



AGENDA BRUNSWICK COUNTY PLANNING BOARD

**4:00 P.M. Monday
April 10, 2023**

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

- 1) Call to Order.
- 2) Invocation.
- 3) Pledge of Allegiance.
- 4) Roll Call.
- 5) Consideration of Minutes from the March 13th Meeting.
- 6) Agenda Amendments.
- 7) Public Comment.
- 8) Public Hearing.
 - A. Wellhead Protection Area Overlay
 - B. Unified Development Ordinance Refinements
 - C. Rezoning Z-863

Proposed rezoning of approximately 0.43 acres located off of Westbrook Avenue near Sunset Beach, from R-6000 (High Density Residential) to CLD (Commercial Low Density) for Tax Parcels 2423A042 and 2423A043.
 - D. Rezoning Z-864

Proposed rezoning of approximately 266.09 acres located off of Newman Smith Road and Russtown Road near Ash, from RR (Rural Residential) to R-7500 (Medium Density Residential) for Tax Parcels 16300008, 16300009, and 16300014.
 - E. Rezoning Z-865

Proposed rezoning of approximately 7.87 acres located off of Southport-Supply Road near Southport, from R-6000 (High Density Residential) to CLD (Commercial Low Density) for Tax Parcel 1850002203.

F. Planned Development – PD-99

Name: Long Farm Planned Development
Applicant: Norris and Tunstall Engineering
Tax Parcel: 20900031
Location: Ash-Little River RD NW (SR 1300)
Description: Long Farm is a proposed planned development to consist of 49 single family homes on 17.0 acres, creating an overall density of 2.88 dwelling units per acre.

G. Planned Development – PD-100

Name: Rye Pint Townhomes Planned Development
Applicant: Norris and Tunstall Engineering
Tax Parcel: 20800010 and 2240000604
Location: Hickman RD NW (SR 1303)
Description: Rye Pint Townhomes is a proposed planned development to consist of 176 townhomes on 65.88 acres, creating an overall density of 2.67 dwelling units per acre.

H. Planned Development – PD-101

Name: Hickman Branch Townhomes Planned Development
Applicant: Norris and Tunstall Engineering
Tax Parcel: 22400009, 2240000901, & 2240000902
Location: Hickman RD NW (SR 1303)
Description: Hickman Branch Townhomes is a proposed planned development to consist of 316 townhomes on 70.82 acres, creating an overall density of 4.46 dwelling units per acre.

9) Other Business.

- Planning Board Case Update.

10) Adjournment.

MINUTES

PLANNING BOARD

BRUNSWICK COUNTY, NC

**6:00 P.M. Monday
March 13, 2023**

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

MEMBERS PRESENT

Joy Easley, Vice Chair
William Bittenbender
Ron Medlin
Richard Leary

MEMBERS ABSENT

Eric Dunham, Chair
Clifton Cheek
Christopher Wood
Harry Richard Ishler, Alternate

STAFF PRESENT

Kirstie Dixon, Director
Marc Pages, Principal Planner
Connie Marlowe, Admin. Asst. II
Garrett Huckins, Planning Tech.
Ron Meredith, Project Planner
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

John Hankins
Thomas Scheetz
Erica Gassaway
Nicholas Frederes
Jacklyn Andrews
Harvey Bell
Perry Sellers
Charles Russ
Harold McCoy

Dan Weeks
Grant Oehlert
Ruth Dougherty
Dilara Sholtis
Linda Reburn
James Brown
James Clemmons
Paul Webber

I. CALL TO ORDER.

Ms. Easley called the meeting to order at 6:00 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

Ms. Easley said a prayer. Ms. Easley asked everyone to stand and face the U.S. Flag to say the Pledge of Allegiance.

III. ROLL CALL.

Mr. Eric Dunham, Mr. Christopher Wood, Mr. Clifton Cheek, and Mr. Richard Ishler were absent.

IV. CONSIDERATION OF MINUTES FROM THE 13-FEB-23 MEETING.

Mr. Leary made a motion to approve the 13-Feb-23 minutes as presented and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

Mr. Pages said staff would like to briefly discuss the Brunswick County Comprehensive Transportation Plan (CTP) Public Involvement Sessions and some proposed text amendments under Other Business.

VI. PUBLIC COMMENT.

There were none.

VII. NEW BUSINESS.

A. Rezoning Z-862 – Carolina Shores ETJ (%Brunswick County).

Request rezoning of approximately 691.61 acres located west of Ocean Highway West (US 17) near Carolina Shores from CS-MFH I (Manufactured Home District I), CS-MFH II (Manufactured Home District II), CS-R8 (Residential District), CS-R15 (Residential District), CS-ID (Industrial District) and CS-NB (Neighborhood Business) to R-6000 (High Density Residential), R-7500 (Medium Density Residential), CI (Commercial Intensive), NC (Neighborhood Commercial) and C-LD (Commercial Low Density).

Ms. Easley addressed the property owners in this area with regards to the existing potential violations in the area and stated that the County (Planning Board and staff) cannot address these matters until County zoning has been established in the area, but staff has been made aware of some of the potential violations.

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

Mr. Meredith said staff recommends approval to R-6000 (High Density Residential), R-7500 (Medium Density Residential), CI (Commercial Intensive), NC (Neighborhood Commercial) and C-LD (Commercial Low Density).

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

Ms. Erica Gassaway addressed the Board. Ms. Gassaway asked what PD means on the Use Table in the Brunswick County Unified Development Ordinance (UDO)? Mr. Pages replied, Planned Development and he proceeded to explain where PDs are permitted as outlined in the Use Table of the UDO.

Ms. Ruth Dougherty addressed the Board. She asked if permits will be issued through the County and Mr. Meredith replied, yes. He stated that County permit applications can be submitted online at brunswickcountync.gov. via the Code Administration Department. Mr. Meredith further stated that any existing permits will be issued by the Town of Carolina Shores.

Mr. Nicholas Frederes addressed the Board. Mr. Frederes asked if the property owners abutting the Town of Carolina Shores will have any say when development occurs near their property? Ms. Dixon said adjacent property owners are notified when an abutting property is rezoned or a major project is submitted for review and approval that requires board approval whether or not the property is in the County or town's jurisdiction.

Jacklyn Andrews addressed the Board. Ms. Andrews asked if the property across from CVS is in the Town of Carolina Shores' planning and zoning jurisdiction? Mr. Meredith said portions of that area is in the Town's planning and zoning jurisdiction. He suggested that Ms. Andrews meet with him to discuss which parcels will be in the County. Ms. Andrews asked if the County's zoning will prevent residential dwellings on those properties? Mr. Meredith said the only affect will be if a residential building permit will be issued by the Town or County.

Ms. Dilara Sholtis addressed the Board. Ms. Sholtis was concerned about who will be responsible for cleaning up debris? Ms. Dixon said the County offers free dump week twice a year at the Landfill, but property owners are responsible for cleaning up their own property.

Ms. Linda Reburn addressed the Board. Ms. Reburn asked what commercial low density means? Mr. Meredith said commercial low density is the least intensive commercial district and it is similar, in nature, to the Town's neighborhood business zoning district.

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

Mr. Leary made a motion to approve Carolina Shores ETJ area that consist of approximately 691.61 acres west of Ocean Highway West (US 17) near Carolina Shores to R-6000 (High Density Residential), R-7500 (Medium Density Residential), CI (Commercial Intensive), NC (Neighborhood Commercial) and C-LD (Commercial Low Density) and the motion was unanimously approved.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for REZONING be

APPROVED – CONSISTENT WITH COMPREHENSIVE PLAN

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

The proposed zoning is consistent with the Blueprint Brunswick CAMA Land Use Plan (Comprehensive Plan).

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

The subject properties will be zoned under the County's zoning, which will be consistent with the Town's zoning for these areas.

Ms. Easley stated that any person with standing may appeal the decision of the Planning Board. If an appeal is received in the allotted time, the case will move forward to the Brunswick County Board of Commissioners for a Public Hearing and their consideration. She further stated that if notice of the appeal is not provided in writing within 15 days, then the decision of the Planning Board shall be final.

B. Planned Development – PD-96

Name: Hall Tract Planned Development
Applicant: H&W Design
Tax Parcel(s): 1530001001
Location: Old Ocean Highway (US 17B)
Description: Hall Tract is a proposed planned development consisting of 136 single family homes on 135.88 acres creating an overall density of 1.0 dwelling units per acre.

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

Mr. Pages said staff recommends approval based on the following conditions:

- That the development shall proceed in conformity with all plans and design features submitted as part of the planned development application and kept on file by the Brunswick County Planning Department;
- That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance; and
- Planned Development approval does not constitute an authorization to construct. All applicable Federal, State and County approvals/permits will be necessary to obtain final plat approvals and building permits. This includes Stormwater, Utilities, and Fire Marshal requirements.

Ms. Easley asked staff the percentage of the 84.79 acres of dedicated open space are wetlands? Mr. Pages said 76.44 acres are wetlands. Mr. Leary clarified that Lot 113 will not be developed and Mr. Pages concurred. Mr. Pages said only the rear corner of Lot 113 is buildable due to setbacks and flood zone constraints. Mr. Leary asked the status of Lots 112 and 114? Mr. Pages said those lots are not in a flood zone, so those lots can be developed for residential purposes.

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

Mr. Dan Weeks, H&W Design, addressed the Board. Mr. Weeks said the lots are 60' x 125', which is consisting with the R-7500 (Medium Density Residential) zoning district when both water and sewer are available. He emphasized that this is a low-density project and the project will be designed to a 100-year storm event. Mr. Weeks said they are proposing useable open space with park spaces and trails (active and passive open space).

Mr. Harvey Bell addressed the Board. Mr. Bell felt that the AEFW flood zone shown on the map should be above the AE flood zone based on the past 3 hurricanes in the area. Mr. Bell said there was extensive flooding in his neighborhood. Mr. Bell said there is approximately 40 acres of non-wetlands and the remainder of the property is wetlands. Mr. Pages said this information is received from the Floodplain Administrator (James Paggioli) via FEMA (Federal Emergency Management Agency). Mr. Pages said property can be developed in a flood zone, but staff encourages developers to move all development outside the 100-year flood zone. He said the developer has done so with the project and the Floodplain Administrator concurs that what is proposed meets the current minimum standards. Mr. Bell expressed concern with wildlife being forced out of their habitat, the potential for traffic congestion, and complaints from the Eagle Creek community regarding farming activity in the area. Mr. Pages said the proposed project is reviewed by several County departments for compliance to minimum requirements and all comments from each department must be addressed prior to final approval of a project. Mr. Pages added that farming activities are protected in the VAD (Voluntary Agricultural District) and Mr. Bell's property is within the VAD area. He further stated that all plats have to state that the development is within ½ mile of a VAD area to protect agricultural uses in the area. Mr. Bell concluded that he is opposed to this project.

Mr. James Brown addressed the Board. Mr. Brown was concerned with stormwater runoff, trespassers on his property, and construction debris on his property. He suggested a fence be erected on the side to curtail construction debris on his property. He said his new neighbors should be made aware that they are moving in a VAD area. Mr. Pages reiterated that participation in VAD protects farming/agricultural activities. Mr. Brown concluded that he will put up signs down the property line that says, "Buyer Beware".

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

Mr. Leary made a motion to approve the Hall Tract Planned Development (PD-96) with the noted conditions presented in the Staff Report and the motion was unanimously carried.

C. Planned Development – PD-98

Name:	Clemmons Tract Planned Development
Applicant:	Norris and Tunstall Engineering
Tax Parcel(s):	1850001733
Location:	Southport-Supply Road SE (NC 211)
Description:	Clemmons Tract is a proposed planned development consisting of 70 single family homes on 24.17 acres creating an overall density of 2.89 dwelling units per acre.

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

Mr. Pages said staff recommends approval based on the following conditions:

- That the development shall proceed in conformity with all plans and design features submitted as part of the planned development application and kept on file by the Brunswick County Planning Department;
- That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance;
- Planned Development approval does not constitute an authorization to construct. All applicable Federal, State and County approvals/permits will be necessary to obtain final plat approvals and building permits. This includes Stormwater, Utilities, and Fire Marshal requirements;
- Prior to recording of the individual lots, provide documentation for Crossroads Trail SE that the developer is authorized to pave this road and use it for access; and
- Specify the Recreation Space uses per UDO Section 6.4.4.C.2. on the site plan.

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

Mr. Thomas Scheetz, Norris & Tunstall Consulting Engineering, addressed the Board on behalf of the applicant. Mr. Scheetz said the ponds will be designed to the 100-year storm event. He stated that there was good input at the neighborhood meeting and some suggestions will be incorporated into the project design.

Ms. Easley asked the average lot size and Mr. Scheetz said the minimum and average is approximately 5,600 square feet. Ms. Easley asked if that is the minimum in the current zoning district? Mr. Pages said the minimum lot size for a major subdivision is 15,000 square feet in the current zoning district.

Mr. Bittenbender asked staff if the Fire Marshal had concerns with Lots 44-38 at the end of the street regarding no turnaround for fire trucks? Mr. Scheetz said that is currently a proposed driveway connection, but the North Carolina Department of Transportation (NCDOT) will not likely allow 3 driveway connections for this project. He said, if that is the case, there will have to be some sort of turnaround in that area.

Mr. Perry Sellers addressed the Board. Mr. Sellers reiterated that Crossroads Trail SE is a dirt road and there are current drainage problems in the area. He said there are 5 residences on the road at the current time and they want to be good neighbors. Mr. Sellers said he understands the developer is only going to pave half of Crossroads Trail SE, but the unpaved portion will continue to have drainage issues. He requested that the entire road be upgrade so there will be proper drainage to alleviate any potential problems between the current and future homeowners in the area. Mr. Scheetz said the developer was made aware of the current situation and he is taking it into consideration. Ms. Easley asked if the developer has ownership, possession, or easement rights to pave the entire road and Mr. Scheetz replied, no.

Mr. James Clemmons addressed the Board. Mr. Clemmons spoke on behalf of the owners of Crossroads Trail SE, in that, they will be granted access to the remainder of the road, if requested. But, further discussions are necessary prior to such occurring.

Mr. Charles Russ addressed the Board. Mr. Russ said has he lived on Crossroads Trail SE for the past 21 years. He felt that paving a portion of the road will only increase stormwater drainage issues. Mr. Russ suggested that the road be improved in its entirety. He said there was a request to do a 20' setback with a fence on the north side of the property back to the creek, but there is nothing proposed to this affect.

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

Ms. Easley asked staff if stormwater runoff issues will be taking into consideration when a portion of the road is paved? Mr. Pages said, during stormwater review, this matter will be evaluated.

Mr. Leary made a motion to approve Clemmons Tract Planned Development (PD-98) with the noted conditions presented in the Staff Report and the motion was unanimously carried.

D. Rezoning Z-861 – Grant Oehlert.

Request rezoning of approximately 0.98 acres located off Easy Street SE near Bolivia from R-7500 (Medium Density Residential) to R-6000 (High Density Residential) for Tax Parcels 201DA027, 201DA028 and 201DA029 located on Easy Street SE near Bolivia NC.

LAND USE PLAN MAP AMENDMENT LUM-861:

Request to amend the Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) to MDR (Medium Density Residential) for Tax Parcels 201DA027, 201DA028 and 201DA029 located on Easy Street SE near Bolivia NC. This Land Use Plan Amendment totals approximately 0.98 acres.

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

Mr. Meredith said staff recommends approved from R-7500 (Medium Density Residential) to R-6000 (High Density Residential) for Tax Parcels 201DA027, 201DA028 and 201DA029 located on Easy Street SE near Bolivia NC with the noted conditions in the Staff Report in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to MDR (Medium Density Residential).

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

Mr. Grant Oehlert addressed the Board. Mr. Oehlert said he wants to place a singlewide mobile home on the property after the lots are combined because only 1 of the lots is suitable for an on-site wastewater system.

Mr. Paul Webber addressed the Board. Mr. Webber said he has a farm and there is other farming activity in the area. He further stated that there are drainage problems on the corner of Retreat Street SE at the cul-de-sac. He said the unimproved roads (dirt roads) in the community are currently maintained by the neighborhood. Mr. Webber was concerned with heavy traffic in the area, the potential of downgrading the area with singlewide mobile homes and his property value being decreased.

Ms. Easley asked staff the permitted residential uses in R-6000 (Medium Density Residential). Mr. Meredith read the allowable residential uses (singlewide and doublewide mobile homes, site-built homes, duplexes and modular homes). Mr. Pages added that singlewide mobile homes are not permitted in the current zoning district.

Mr. Harold McCoy addressed the Board. Mr. McCoy asked why the property is being rezoned for singlewide mobile homes? Ms. Easley said anyone can request a zoning change to a property. Mr. McCoy said he is opposed to the property being rezoned.

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

Mr. Leary made a motion to approve Tax Parcels 201DA027, 201DA028 and 201DA029 located on Easy Street SE near Bolivia NC with the noted conditions in the Staff Report in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map to MDR (Medium Density Residential) and the motion was unanimously approved.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for REZONING be

APPROVED – NOT CONSISTENT WITH COMPREHENSIVE PLAN

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

The proposed zoning is not consistent with the CAMA Land Use Plan (Comprehensive Plan). However, an amendment has been requested to MDR (Medium Density Residential).

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

The properties will be combined for septic suitability purposes and there is similar zoning nearby.

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

There is similar zoning nearby.

Ms. Easley stated that any person with standing may appeal the decision of the Planning Board. If an appeal is received in the allotted time, the case will move forward to the Brunswick County Board of Commissioners for a Public Hearing and their consideration. She further stated that if notice of the appeal is not provided in writing within 15 days, then the decision of the Planning Board shall be final.

VIII. OTHER BUSINESS.

- Wellhead Protection Area Overlay Update.

Ms. Dixon addressed the Board. She stated that have been several studies conducted on wellhead protection and staff has reviewed the proposed Wellhead Protection Area Overlay based on limiting uses in the area. She stated that this matter will be presented as a Public Hearing at the next meeting and staff will be conducting a community meeting on Thursday March 23, 2023 at 6:00 p.m. at the St. James Community Center to gather further input for the public.

- Brunswick County Comprehensive Transportation Plan (CTP)

Ms. Dixon addressed the Board. She said there will be 3 in-person public involvement sessions from 5:00 p.m. – 7:30 p.m. as well as virtual public involvement sessions on the Brunswick County Comprehensive Transportation Plan (CTP) as outlined in the handout (attached) provided to the Board.

- Proposed Text Amendments

Ms. Dixon addressed the Board. She stated that staff is proposing some text amendments that are housekeeping items that will be presented at the April 10, 2023 meeting for Public Hearing. She said staff will send the Board the proposed text amendments next week for consideration at the April 10, 2023 meeting and those text amendments will be included in the Board packet for next months meeting.

Mr. Pages said there are several items for consideration at the April 10, 2023 meeting and he asked if the Board would prefer an earlier meeting time or a second meeting in April? The Board members said they would prefer starting the meeting early and not have 2 meetings in April.

- Planning Board Case Update.

Ms. Dixon addressed the Board. She stated that Zoning Case Z-860 was approved at the Planning Board's 13-Feb-23 meeting and there were no written appeals within the allotted time (15 days), so the Board's decision stands.

IX. ADJOURNMENT.

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

4.8.8 WPA: Wellhead Protection Area Overlay

A. Purpose and Intent

1. The Brunswick County Board of Commissioners recognizes: (a) that residents of Brunswick County rely on groundwater for a safe drinking water supply, and (b) that certain land uses in Brunswick County can contaminate groundwater particularly in shallow/surficial aquifers.
2. The purpose of the Wellhead Protection Area Overlay District (WPA) is to protect public health and safety by minimizing contamination of the shallow/surficial aquifers, Castle Hayne aquifer, and the Pee Dee aquifer in Brunswick County. It is the intent to accomplish this, as much as possible, by public education and securing public cooperation.
3. Appropriate land use regulations may be imposed, however, which are in addition to those imposed in the underlying zoning districts or in other county regulations.

B. Definitions Specific to the WPA Overlay

1. **AQUIFER.** A geological formation, group of formations or part of a formation capable of storing and yielding groundwater to wells and springs.
2. ~~**BEST MANAGEMENT PRACTICES (BMPs).** Measures, either managerial or structural, that are determined to be the most effective, practical means of preventing or reducing pollution inputs from point sources or nonpoint sources of water bodies.~~
3. ~~**CONFINED ANIMAL FEEDING OPERATION (CAFO).** The concentrated confined feeding or holding of animals or poultry, including, but not limited to horse, cattle, sheep or swine feeding areas, dairy confinement areas, slaughterhouse or shipping terminal holding pens, poultry and egg production facilities and fur farms, in buildings or in pens or lots where the surface has been prepared with concrete, rock or fibrous material to support animals in wet weather or which have wastewater treatment works.~~
4. **CONTAMINATION.** An impairment of water quality by chemicals, radionuclides, biologic organisms, or other extraneous matter whether or not it affects the potential or intended beneficial use of water.
5. **DEVELOPMENT.** The carrying out of any construction, reconstruction, alteration of surface or structure or change of land use or intensity of use.
6. **FACILITY.** Something that is built, installed, or established for a particular purpose.
7. ~~**FARM PRACTICES.** A mode of operation that is common to farms of a similar nature, reasonable and prudent for the operation of such farms to obtain a profit in money, is or may become a generally accepted method in conjunction with farm use, complies with applicable laws, and is done in a reasonable and prudent manner.~~
8. ~~**GREY WATER.** All domestic wastewater except toilet discharge water.~~
9. **HAZARDOUS MATERIAL.** A material which is defined in one or more of the following categories:

- **Ignitable:** A gas, liquid or solid which may cause fires through friction, absorption of moisture, or which has low flash points. Examples: white phosphorous and gasoline.
- **Carcinogenic:** A gas, liquid, or solid which is normally considered to be cancer causing or mutagenic. Examples: PCBs in some waste oils.
- **Explosive:** A reactive gas, liquid or solid which will vigorously and energetically react uncontrollably if exposed to heat, shock, pressure, or combinations thereof. Examples: dynamite, organic peroxides, and ammonium nitrate.
- **Highly Toxic:** A gas, liquid, or solid so dangerous to man as to afford an unusual hazard to life. Example: chlorine gas.
- **Moderately Toxic:** A gas, liquid or solid which through repeated exposure or in a single large dose can be hazardous to man.
- **Corrosive:** Any material, whether acid or alkaline, which will cause severe damage to human tissue, or in case of leakage might damage or destroy other containers of hazardous materials and cause the release of their contents. Examples: battery acid and phosphoric acid.

~~10. **PRIMARY CONTAINMENT FACILITY.** A tank, pit, container, pipe or vessel of first containment of a liquid or chemical.~~

11. **RELEASE.** Any unplanned or improper discharge, leak, or spill of a potential contaminant including a hazardous material.

~~12. **SECONDARY CONTAINMENT FACILITY.** A second tank, catchment pit, pipe, or vessel that limits and contains liquid or chemical leaking or leaching from a primary containment area; monitoring and recovery are required,~~

13. **SHALLOW/SURFICIAL AQUIFER.** An aquifer in which the permeable medial (sand and gravel) starts at the land surface or immediately below the soil profile.

~~14. **SPILL RESPONSE PLANS.** Detailed plans for control, containment, recovery, and cleanup of hazardous material releases, such as during fires or equipment failures.~~

~~15. **TIME OF TRAVEL DISTANCE.** The distance that groundwater will travel in a specified time. This distance is generally a function of the permeability and slope of the aquifer.~~

16. **WELLHEAD PROTECTION AREA.** The surface and subsurface area surrounding a water well, spring or wellfield, supplying a public water system, through which contaminants are reasonably likely to move toward and reach that water well, spring or wellfield.

C. Delineation of the Wellhead Protection Area

1. **Brunswick County WPA Final Overlay.** The WPA Overlay District was determined using the Aquifer Source Volume (ASV) Method. In North Carolina, the WPA for wells withdrawing water from certain confined aquifers encompasses the area surrounding the well for which the time of travel from the outer edge of the area to the well is 10 years. WPAs based on a 10-year time of travel from their outer edge to the pumping well can be delineated by estimating the volume of the aquifer required to supply 10 years

of withdrawals (i.e., the ASV method). When the calculated radius was drawn around each of the fourteen wells, it resulted in Wellhead Protection Areas with significant overlap, so the outer circles were used to draw a large delineation around the whole wellfield. **(NOTE: this is typically within about 1500 feet of the public water supply well. For more detailed information, see the Wellhead Protection Plan Brunswick County, North Carolina adopted by the Brunswick County Board of Commissioners, April 1, 2013).**

i. **Encouraged Uses.** Provided they meet appropriate performance standards outlined in 4.8.8 D. below and are designed to prevent any groundwater contamination.

- a. Parks, greenways, or publicly owned recreational areas.
- b. Necessary drinking water public utilities/facilities.

ii. **Special Uses.** The following uses are permitted only under the terms of a special use permit and must conform to provisions of the underlying zoning district and meet the limited use and performance standards outlined in Section 5.3 and Section 4.8.8 D. below. **(NOTE: see Article 3 Review and Approval Procedures - 3.5 Special Use Permit)**

- a. All uses indicated as a "SUP" in the WPA Overlay District (see Section 5.2.3 Use Table) may be permitted only where approved by the Zoning Board of Adjustment in accordance with Section 3.5 Special Use Permit.
- b. Expansion of existing nonconforming uses to the extent allowed by the underlying district. **(NOTE: see Article 10. Nonconformities).** The Brunswick County Zoning Board of Adjustment shall not grant approval unless it finds such expansion does not pose greater potential contamination of groundwater than the existing use.

iii. **Prohibited Uses.** In general, the following principal uses and/or accessory uses are prohibited within the WPA Overlay District. See Article 5 for principal uses that are permitted by right, permitted subject to limited use and performance standards, or permitted subject to a Special Use Permit.

- a. Garage service and/or Automobile repair/body shop;
- b. Repair, renovation, and remodeling of farm equipment;
- c. Vehicle and heavy equipment sales, service, and rentals;
- d. Boat repair and manufacture as a principal use;
- e. Commercial boating facilities;
- f. Retail sales that include gasoline /fueling facilities and/or truck stops including but not limited to convenience stores, auto centers, vehicle service facilities as an accessory use to a primary retail use;
- g. Laundry, dry cleaning, and carpet cleaning plants;
- h. Cemeteries, mausoleums, columbaria, memorial gardens as a primary use and as accessory uses to places of worship;
- i. Planing Mill/sawmill;

- j. Junkyard, wrecking, or salvage yard;
- k. Public or private waste disposal site, recycling, non-hazardous solid or liquid;
- l. Hazardous materials treatment facility;
- m. Construction and demolition landfill;
- n. Mining Operations, Class I & Class II/gravel pit;
- o. Nurseries and greenhouses;
- p. Confined animal feeding operations, lagoons, spray fields;
- q. Incinerators for the disposal of animal remains;
- r. Underground storage tanks, (except liquid propane gas (LPG) tanks);
- s. Land divisions resulting in high density (>1/acre) septic systems;
- t. Fueling Stations including but not limited to convenience stores with gas/propane sales, and any retail of gas or propane;
- u. Use list not exhaustive. The uses prohibited by this district represent the state of present knowledge and most common description of said uses in the Brunswick County Unified Development Ordinance (UDO). As other polluting uses are discovered, or other terms of description become necessary, these shall be added to the list of uses prohibited by this district.

iv. **Exemptions.** The following activities or uses are exempt from the provisions of the WPA Overlay District:

- a. The transportation of any hazardous substance through the WPA Overlay District, provided the transporting vehicle is in transit;
- b. The use of any hazardous substance solely as fuel in a vehicle fuel tank or as lubricant in a vehicle;
- c. Retail sales establishments that store and handle hazardous substances for resale in their original unopened containers.
- d. Office supplies that are used solely for the operation of on-site administrative offices, provided such supplies are prepackaged in a form ready for use.
- e. Hazardous substances which are packaged for personal or household use and present in the same form and concentration as packaged for use by the public. The aggregate inventory of such substances shall not exceed 100 gallons or 800 pounds at any time.
- f. Bona Fide Farm
- g. Private Wells

D. Performance Standards:

To reduce the impact of development and protect the Brunswick County groundwater resources of the Wellhead Protection Area, the following standards shall apply to all activities within the WPA Overlay District:

1. ~~Developments must control no less than the 3 inch rain event using any of the following enhanced stormwater control measures. Prior to the excavation of ground for the enhanced stormwater control measures, the seasonal high ground water level must be identified. A minimum distance of two feet between the bottom of the enhanced stormwater control measure and the top of the highest seasonal ground water level shall be required.~~

Bioretention cells	Sand filters	Filter strip
Grassed swale	Infiltration devices	Restored riparian buffer
Dry extended detention basin	Permeable pavement systems	Rooftop runoff management
Proprietary systems	Tree box filters	Bioretention cells
Infiltration trenches	Other sub-surface collection methods	

1. ~~Minimize clearing and grading. Retention of "existing vegetation" shall be maximized within the proposed development.~~
2. Use or production of Hazardous Substances in industrial, processing, manufacturing, or commercial operations such as (but not limited to) those noted below shall be prohibited:
 - Metal plating/finishing/fabricating facility
 - Chemical processing/storage facility
 - Electrical/electronic manufacturing facility
 - Battery recycling and reprocessing
 - Machine shop
 - Wood preserving/treating facility
 - Cement/concrete plants
 - Equipment maintenance/fueling areas
 - Injection wells/dry wells/sumps
 - Storage of animal manure
 - Industrial and commercial uses that discharge processed wastewater on-site
 - Paving, roofing, and other construction materials using asphalt and petroleum-based coating and preserving materials
 - Primary and secondary metal industries that manufacture, produce, smelt, or refine ferrous and non-ferrous metals shall be prohibited.
3. Due to existing properties involving hydrological and geological factors, including depth to water table, groundwater travel time, soil pH, soil cation exchange capacity, soil composition and permeability, cavernous bedrock, seismic activity, slope, mines, and climate and; Environmental and public health factors, including quality of surface and groundwater, and proximity to public groundwater water supply and watersheds;

Any waste treatment or disposal activity requiring permits under any of the following State regulations shall be prohibited in the WPA Overlay:

- a) 15A NCAC 13B, Solid Waste Management Permits, primarily landfills
- b) 15A NCAC 13A, Hazardous Waste Management Permits
- c) 15A NCAC IE, Construction and Operations of an Oil Refining Facility
- d) 15A NCAC 5B, Mining Permit
- e) 15A NCAC 02C, Permit to Drill Exploratory Oil or Gas Well
- f) 15A NCAC 2H.0900, Pretreatment Permit
- g) 15A NCAC 2T.101, Waste Not Discharged to Surface Water

Limited to items:

- (d) residual and residue disposal/utilization systems,
- (e) animal waste management systems, and
- (f) treatment of contaminated soils

4. Excavation creates a pathway for contaminants to enter the aquifer. Earth removal or disturbance for the purposes of foundations including, but not limited to, the removal of soil, loam, sand, gravel, or any other earth material is permitted up to a maximum of ~~10~~ 23 feet of historical predevelopment ground surface level.
5. Any subterranean foundation, structure, support, or footings using formulations of known hazardous materials including Chrome-Copper-Arsenate (CCC), pentachlorophenol (PENTA), creosote and related chemicals shall not go deeper than 23 feet of historical predevelopment ground surface level.
6. Any industrial or commercial uses requiring fertilizer, pesticide, and petroleum storage, distribution, handling, mixing, and cleaning areas are prohibited. Any industrial or commercial storage or application of Restricted Use Pesticides shall be prohibited.
7. All facilities involving the collection, handling, manufacture, use, storage, transfer, recycling, or disposal of any solid or liquid material or waste having potentially harmful impact on groundwater quality are prohibited.
- ~~8. Wood preserving operations and any construction using formulations of Chrome-Copper-Arsenate (CCC), pentachlorophenol (PENTA), creosote and related chemicals shall be prohibited.~~
- ~~9. An acceptable contingency plan for all permitted facilities must be prepared for preventing hazardous materials from contaminating the shallow/surficial aquifer should floods, fire, or other natural catastrophes, equipment failure, or releases occur:~~
 - ~~a. For flood control, all underground facilities shall include but not be limited to a monitoring system and secondary standpipe above the 100-year flood control level, for monitoring and recovery. For above ground facilities, an impervious dike, above the 100-year flood level and capable of containing 100 percent of the largest volume of storage, will be provided with an overflow recovery catchment area (sump).~~
 - ~~b. For fire control, plans shall include but not be limited to a safe firefighting procedure, a fire retarding system, effective containment of any liquid runoff, and provide for dealing safely with any other health and technical hazards that may be encountered by disaster control personnel in~~

~~combating fire. Hazards to be considered are pipes, liquids, chemicals, or open flames in the immediate vicinity.~~

~~c. For equipment failures, plans shall include but not be limited to:~~

- ~~i. Below ground level, removal and replacement of leaking parts, a leak detection system with monitoring, and an overfill protection system.~~
- ~~ii. Above ground level, liquid and leaching monitoring of primary containment systems, their replacement or repair and cleanup and/or repair of the impervious surface.~~

10. For any other release occurring, the owner and/or operator shall report all incidents involving liquid or chemical material to the designated wellhead protection spill coordinator at the Brunswick County Public Utilities office.

~~11. Since it is known that improperly abandoned wells can become a direct conduit for contamination of groundwater by surface water, all abandoned wells shall be properly plugged according to North Carolina Department of Environmental Quality – Division of Water Resources regulations.~~

E. *ADD: Wellhead Protection Area Overlay District Map*

Add Appendix G

Proposed Wellhead Protection Area (WPA) Overlay District

**Article 5 Permitted Uses
5.2 Use Table**

5.2.3. Use Table

The following principal uses are permitted by right, permitted subject to limited use standards, or permitted subject to a Special Use Permit. See Section 4.8.2 for Conditional Zoning option. **Proposed WPA revisions are noted in red.** (SEE LAST PAGE FOR KEY TO USE TABLE)

Use Grouping	Use	RR	R-7500	R-6000	SBR-6000	MR-3200	C-LD	N-C	C-I	RU-H	I-G	CP	WPA Overlay District	Standards
Agricultural	All Agricultural uses, except as listed below	P					P				P	P	SUP	4.8.8.D
	Agricultural Industry	L					L			L	P			5.3.2.A
	Agricultural Tourism	L	L				L	L		L	L	L	SUP	5.3.2.B 4.8.8.D
	Bona Fide Farms	L	L	L	L	L	L	L		L	L	L	L	5.3.2.C
	Farmers Market	P	P				P	P		P			P	
	Farm Stands	P	L				P	P		P		P	P	
	Private Stables	P	L	L	L	L	P	P					SUP	5.3.2.D 4.8.8.D
Agricultural (5.1.1.A)	Malting house	L												5.3.9
	Landscaping and Horticultural Services	P					P			P			SUP	4.8.8.D
	Nurseries	P					P	P						
	See 5.5.6 for prohibited temporary uses													
	Single Family Detached	P/DP	P/DP	P/DP	P/DP	P/DP	L	L	L	L		P	L	4.15 4.8.8.D
	Zero Lot Line	L/DP	L/DP	L/DP	L/DP	L/DP	L/DP	L/DP	L				L/DP	5.3.3.L 4.8.8.D
	Traditional	P/DP	PD	PD	PD	P/DP	L/DP	L/DP					L/DP	5.3.3.J 4.8.8.D
Household Living (5.1.2.A)	Semi-Attached	P/DP	PD	P/DP	PD	P/DP	P/DP	P/DP					P/DP	5.3.3.H 4.8.8.D
	Duplex	P/DP	PD	P/DP	PD	P/DP	P/DP	P/DP					P/DP	4.8.8.D
	Townhouse	PD	PD	PD	PD	L/DP	L	L					L	5.3.3.I 4.8.8.D
	Multifamily		PD	PD	PD	L/DP	L	L	L				L/DP	5.3.3.E 4.8.8.D
	Family Care Home	L	L	L	L	L	L	L	L			L	L	5.3.3.A 4.8.8.D
	Mobile Home, Class A	L	L	L	L	L	L	L	L			L	L	5.3.3.C.3
	Mobile Home, Class B	L	L	L	L	L	L	L	L			L	L	5.3.3.C.4

Article 5 Permitted Uses

5.2 Use Table

Use Grouping	Use	RR	R-7500	R-6000	SBR-6000	MR-3200	C-LD	N-C	C-I	RU-H	I-G	CP	WPA Overlay District	Standards
	Mobile Home Park	SUP		SUP			SUP	SUP					SUP	5.3.3.D 4.8.8.D
	Upper Story Residential	PD	PD	PD	PD	L	L	L	L				L	5.3.3.K
	Residential/Personal/Non-Commercial Storage Structures	L												5.3.3.M
Planned Development	Residential or Mixed Use	L	L	L	L	L	L	L					PD	4.3.1 4.8.8.D
	Accessory Dwelling Units	L	L	L	L	L	L	L	L		L		L	5Error! Reference source not found.4.2 5.4.3
	Multiple principal dwellings on single parcel	L	L	L	L	L	L	L	L				L	
	All Group Living, except as listed below						P						P	
	Assisted Living Facilities	SUP	SUP	SUP	SUP		L	L					L	5.3.3.G
Group Living (5.1.2.B)	Boarding House						P		L				P	
	Group Care Home	SUP	SUP	SUP	SUP		SUP	SUP					SUP	5.3.3.B
	Nursing Home Facilities	SUP	SUP	SUP	SUP		L	L					L	5.3.3.F 4.8.8.D
Home Occupation (5.4.4)	All Home Occupation	L	L	L	L	L	L	L	SUP		SUP		L/SUP	5Error! Reference source not found.4.4
Outdoor Lodging														
Outdoor Lodging (5.1.7.)	Campground, except as listed below	L				L	L						SUP	5.3.8 4.8.8.D
	Government-Operated					L	L					L	SUP	5.3.8.A 4.8.8.D
	Nude campground, colony, or resort	SUP					SUP						SUP	5.3.8.B 4.8.8.D
	Outdoor RV Resort	L	SUP	SUP		L	L						SUP	5.3.8.C 4.8.8.D

Article 5 Permitted Uses

5.2 Use Table

Use Grouping	Use	RR	R-7500	R-6000	SBR-6000	MR-3200	C-LD	N-C	C-I	RU-I	I-G	CP	WPA Overlay District	Standards
	KEY: Blank Cell = Not Allowed; "P" = Permitted; "L" = Limited Use Standards (Section 5.3); "SUP" = Special Use Permit													
Commercial Uses														
Commercial Parking (5.1.4.E)	Commercial Parking Facility						L		L		L		SUP	4.8.8.D
Funeral Home (5.1.4.A)	Funeral Homes, Crematorium, and Mortuaries	P					P		P				P L	4.8.8.D
	All Indoor Recreation, except as listed below						P		P				P	
	Adult & Sexually Oriented Business										SUP		SUP	5.3.5.A
	Electronic Gaming Operation						SUP		SUP		SUP		SUP	5.3.5.W
	Military Auxiliary Service Clubs and Halls	L	SUP	SUP	SUP	SUP	L	L	L		L		SUP	5.3.5.I
	Nightclub, Tavern, or Bar (with alcohol sales)						P	SUP	SUP				SUP	5.3.5.J
	Private Club or Lodge (Private, Nonprofit, Civic or Fraternal)	L	SUP	SUP	SUP	SUP	L	L	L		SUP		SUP	5.3.5.M
	Shooting Range, indoor	SUP					SUP		SUP		SUP		SUP	
	Skating Rinks						P		P		P		SUP	
Outdoor Advertising (8.8.1)	Outdoor Advertising Structure						L		L		L		L	8.8.1 4.8.8.D
	Outdoor Recreation, except as listed below	P								P		L		5.3.5.D
	Commercial Recreation	SUP					SUP	SUP	L		L	L	SUP	5.3.5.D 4.8.8.D
	Racetracks	SUP							SUP		SUP		SUP	4.8.8.D
	Golf Courses	L	L	L	L	L	L	L	L				L	5.3.5.F 4.8.8.D
	Golf Driving Ranges	P					P	P	P				P	
	Hunting Clubs	P												
	Shooting Ranges, outdoor	SUP												
	Bed and Breakfast	P	SUP	SUP	P	P	P	P	P				SUP	
	Hotel and Motel					L	L	L	L				L	5.3.5.G 4.8.8.D
	Retreat Center	SUP										SUP		
Planned Development	Planned Development- Commercial or Mixed Use					L	L	L	L	L	L		PD	4.3.1 4.8.8.D
Restaurants	Restaurants (5.1.4.F)	L				L	L	L	L	L	L		L	5.3.5.O
Microbrewery	Microbrewery						P	P	P	P	P		P	

Article 5 Permitted Uses

5.2 Use Table

Use Grouping	Use	RR	R-7500	R-8000	SBR-6000	MR-3200	C-LD	N-C	C-I	RU-H	F-G	CP	WPA Overlay District	Standards
(5.1.4.K)	KEY: Blank Cell = Not Allowed; "P" = Permitted; "L" = Limited Use Standards (Section 5.3); "SUP" = Special Use Permit													
Retail Sales and Service (5.3.5.P)	All retail sales and service, except as listed below						P	P	P				P L	4.8.8.D
	Convenience Store	P				L	P	P	P			L	SUP	5.3.5.X 4.8.8.D
	Drive Through Facilities						L	L	L	L			L	5.3.5.E
	Flea Markets	SUP					SUP		SUP		SUP		SUP	5.3.5.V
	Kennel	SUP					SUP	SUP	SUP		SUP		SUP	5.3.5.U
	Marital Arts Instructional Schools	P					P	P	P				P	
	Outdoor Sales or Display Areas, Other Than Mobile and Modular Home Sales Lots, and Vehicle and Heavy Equipment Sales and Rentals	SUP					L	L	L	L	L		L	5.3.5.K
	Performing Arts Studio						P	P	P				P	
	Personal Service Establishments	SUP					L	L	L	L			L	5.3.5.L
	Retail sales less than or equal to 10,000 square feet	P					L	L	L	L		P	SUP	4.8.8.D
Retail sales more than 10,000 square feet.	L					L	L	L	L	L		SUP	5.3.5.P 4.8.8.D	
Self-Service Storage Facility	Retail sales and service in industrial establishments													5.3.5.Q 4.8.8.D
	Veterinary Establishments, Animal Hospital	SUP					L	L	L				SUP	5.3.5.U 4.8.8.D
	Self-Service Storage Facility (Mini Storage) (5.1.4.H)	L					L	L	L		P		L	5.3.5.R 4.8.8.D
	Car Wash	L					L	L	L				SUP	5.3.5.B 4.8.8.D
	Garage Service and/or Automobile Repair	SUP				SUP	L	L	L	L				5.3.5.T
	Repair, Renovation, and Remodeling of Farm Equipment	SUP					SUP	SUP	L	L	L			5.3.5.N
	Mobile and Modular Home Sales and Service	SUP					SUP	L	L	L	L		SUP	5.3.5.H 4.8.8.D
	Vehicle and Heavy Equipment Sales and Rentals	SUP					L	L	L	L	L			5.3.5.S
	Boat repair and manufacture as a principal use													
	Commercial Boating Facilities	P					P							
Water Oriented Commercial Uses (5.1.4.J)	Commercial marinas and docks						P							
	Seafood processing and canning						P							
	Storage of boats (dry or wet)	SUP					SUP			SUP	SUP		SUP	4.8.8.D

Article 5 Permitted Uses

Use Grouping	Use	5.2 Use Table																
		RR	R-7500	R-6000	SBR-6000	MR-3200	C-LD	N-C	C-I	RU-I	I-G	CP	WPA Overlay District	Standards				
		KEY: Blank Cell = Not Allowed; "P" = Permitted; "L" = Limited Use Standards (Section 5.3); "SUP" = Special Use Permit																
Office	All professional office uses, except those listed below																	
Professional Offices (5.1.5)	Banks and Financial Institutions	P															P	5.3.6.A
	Temporary Neighborhood Sales Homes	SUP															P	5.3.6.B
Industrial	All Heavy Industrial, except as listed below																	
	Animal slaughtering and rendering																	
	Asphalt Plant																	
	Brewery																	
	Energy Generating Facility																	
Heavy Industrial (5.1.6.A)	Incinerators for the disposal of animal remains	SUP																
	Junkyard, salvage, and recycling facility																	
	L.P. Gas Filling Facility (principal and accessory)	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	5.3.7.K. & 5.3.7.L
	Mobile Home Salvage and Storage Yard	SUP																4.8.8.D
	Planing Mill/Sawmill	SUP																5.3.7.F
	All light industrial, except as listed below																	4.8.8.D
Light Industrial ((5.1.6.B)	Audio/Video Production and Distribution																	
	Contractor's office and storage operations	L																
	Craft and woodworking shops	L																
Planned Development	Industrial or Mixed Use																	
Business Park (5.1.6.H)	Business Park Uses	PD	PD															
Industrial Park (5.1.6.I)	All Industrial Park Uses																	
Research	Research and Development (5.1.6.C)	SUP																
	Mining Operations, Class I	SUP																
	Mining Operations, Class II																	
	All Warehousing and Storage, except as follows																	

Article 5 Permitted Uses

5.2 Use Table

Use Grouping	Use	RR	R-7500	R-6000	SBR-6000	MR-3200	C-LD	N-C	C-I	RU-I	I-G	CP	WPA Overlay District	Standards
KEY: Blank Cell = Not Allowed; "P" = Permitted; "L" = Limited Use Standards (Section 5.3); "SUP" = Special Use Permit														
Warehouse and Storage (5.1.6.E)	Freight Handling Facilities								P		P		SUP	4.8.8.D
Waste Related Services (5.1.6.F)	Storage, Above and Below Ground									P				
	Construction and Demolition Landfill									SUP	SUP			
	Hazardous Materials Treatment Facility										SUP			
	Public or Private Waste Disposal Site, Recycling Non-hazardous Solid or Liquid								SUP	SUP	SUP			5.3.7.I
Wholesale Sales and Service (5.1.6.G)	Wood Waste Grinding Operations								SUP	L	SUP		SUP	5.3.7.J 4.8.8.D
	All Wholesale Sales and Service								P	P	P		SUP	4.8.8.D
<p>Proposed WPA Overlay District KEY and METHODOLOGY: All uses highlighted in yellow have been identified as "NOT PERMITTED" uses in the WPA Overlay by Brunswick County Public Utilities.</p> <ul style="list-style-type: none"> The WPA Overlay District in Brunswick County includes the following underlying zoning districts: R-7500, R-6000, C-LD, C-I, I-G All permitted uses (including associated accessory uses) in the WPA underlying zoning districts were evaluated for potential threats to groundwater contamination While many permitted principal uses appear to be innocuous to groundwater contamination, some permitted accessory uses have the potential to pollute groundwater and include (but not limited to): fuel/gasoline sales, heavy vehicle/truck maintenance and repair, storage of hazardous materials, pesticides, on-site refueling, on-site repair, bulk storage A SUP is recommended for all proposed principal uses in the WPA Overlay that may include permitted accessory uses with the potential to pollute groundwater Additional "Limited and/or Performance Standards" shall be met as a component of any permit approval in the WPA Overlay District 														

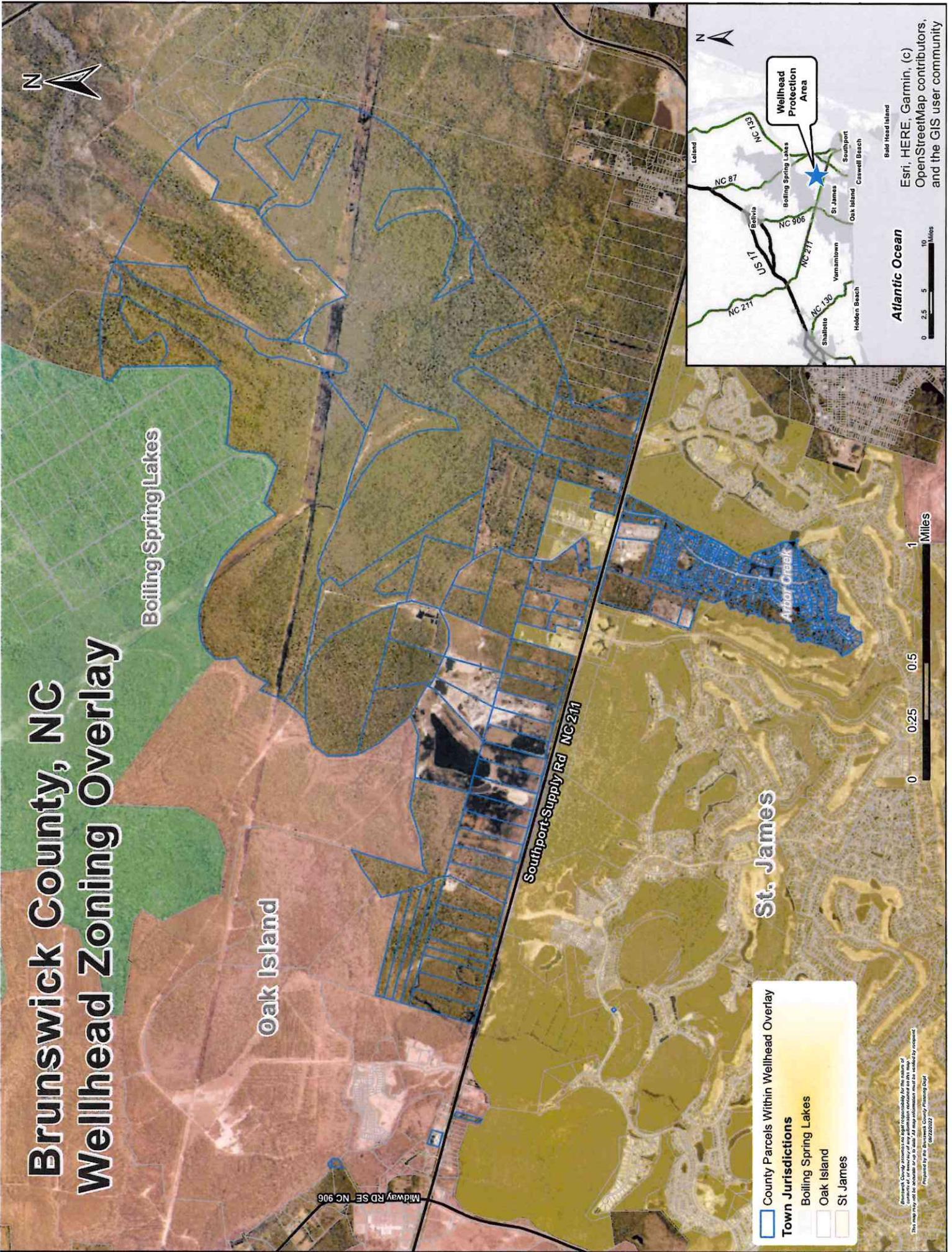
Article 5 Permitted Uses
5.2 Use Table

Key to Permitted Use Table	
Permitted	A "P" in the use table indicates that a use is permitted by right in the respective district. Such uses are also subject to all other applicable requirements of this Ordinance.
Limited	An "L" in the use table indicates that a use may be permitted administratively, subject to additional limited use standards contained in Section 4.4.8, WPA Overlay and Section 5.3, Limited Use Standards . The applicable limited use standards are cross-referenced in the far right column of the use table. Such uses are subject to all other applicable requirements of this Ordinance.
SUP	An "SUP" indicates a use that may be permitted in the respective district only where approved by the Zoning Board of Adjustment in accordance with Section 3.5 Special Use Permit. An "SUP" indicates a use that may be permitted in the respective district only where approved by the Planning Board in accordance with Section 3.5. Uses requiring Special Use Permits are subject to all other applicable requirements of this chapter, including the additional limited use standards contained in Section 5.3, Limited Use Standards, except where such use standards are expressly modified by the approving authority as part of the Special Use Permit approval.
Blank Cell	Not allowed.
"Standards"	Cross-reference to any use standard listed in Section 5.3, Limited Use Standards. Where no cross-reference is shown, no additional use regulations shall apply.

Proposed WPA Overlay District KEY and METHODOLOGY: All uses highlighted in yellow have been identified as "NOT PERMITTED" uses in the proposed WPA Overlay recommended by Brunswick County Public Utilities.

- The WPA Overlay District in Brunswick County includes the following highlighted underlying zoning districts: **R-7500, R-6000, C-LD, C-I, I-G**
- All permitted uses (including associated accessory uses) in the WPA underlying zoning districts were evaluated for potential threats to groundwater contamination
- While many permitted principal uses appear to be innocuous to groundwater contamination, some permitted accessory uses have the potential to pollute groundwater and include (but not limited to): fuel/gasoline sales, heavy vehicle/ truck maintenance and repair, storage of hazardous materials, pesticides, on-site refueling, on-site repair, bulk storage
- A SUP is recommended for all proposed principal uses in the WPA Overlay that *may* include permitted accessory uses with the potential to pollute groundwater
- Additional "Limited and/or Performance Standards" shall be met as a component of any permit approval in the WPA Overlay District

Brunswick County, NC Wellhead Zoning Overlay



Boiling Spring Lakes

Oak Island

Southport-Supply Rd NC 211

St. James

County Parcels Within Wellhead Overlay
Town Jurisdictions
 Boiling Spring Lakes
 Oak Island
 St James

Brunswick County reserves the legal responsibility for the nature, content, and accuracy of any information or data provided on this map. This map was prepared for the Brunswick County Planning Dept. 04/22/2022

Atlantic Ocean
 0 2.5 5 10 Miles
 Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
 Wellhead Protection Area
 Leland NC 87
 Boiling Spring Lakes
 NC 906
 St James
 NC 211
 Veramborn
 NC 130
 Shaalth
 Holden Beach
 Oak Island
 Southport
 Caswell Beach
 Bald Head Island

Frequently Asked Questions

The following are frequently asked questions regarding the proposed Wellhead Protection Area Overlay District. Questions are listed in no particular order. If your question is not listed here, please contact Kirstie Dixon, Brunswick County Planning Director, at 910-253-2027, or email at Kirstie.dixon@brunswickcountync.gov.

- What is a Wellhead Protection Plan?
 - In 2013, the Brunswick County Commissioners adopted the *Wellhead Protection Plan* with specific policies for the protection of the public community well area.
- What is the purpose of this overlay district?
 - The overlay district will provide additional development regulations with the goal of protecting the 14 wellheads serving well over 12,000 customers and the aquifer that the wellheads draw from.
- Will this restrict all commercial activity?
 - No, restrictions on certain uses could apply to businesses whose activities negatively impact/contaminate the aquifer. All commercial activity would have to comply with all the Wellhead Protection Area Overlay standards including a 23 ft depth limitation on excavation, dirt removal, and land disturbance.
- What types of uses will be prohibited?
 - Prohibited uses are proposed for commercial and industrial uses that could negatively impact/contaminate the aquifer. Prohibited uses include fueling stations, mining operations, junkyards, cemeteries, dry cleaning, commercial boating facilities, and garage service.
- How does this affect my project that is already approved?
 - Projects that have received all approvals or have been submitted to Brunswick County Planning prior to the adoption of the Wellhead Protection Area Overlay Zoning District would not be affected or have to comply with the Wellhead Protection Area Overlay and can continue. After adoption, all changes or expansions would have to be in compliance with the Wellhead Protection Area Overlay Zoning District. Policies from the Brunswick County Wellhead Protection Plan may affect an decision of projects going through the an approval process.
- Will the adoption of the Wellhead Protection Area Overlay Zoning District by Brunswick County apply to properties within nearby towns?
 - No, the adoption of the Wellhead Protection Area Overlay Zoning District by Brunswick County NOT apply to properties within nearby towns. The County is encouraging Boiling Springs Lake, Oak Island, and St. James, to adopt the a similar ordinance to protect the water quality of the aquifer. The County does not have the ability to REQUIRE the adoption of the ordinance to protect the water aquifer and each jurisdiction has the ability adopt as written, adopt with changes, or not adopt the ordinance.
- When would the County adopt this overlay district?
 - The county took input from area residents and the development community to draft the Wellhead Protection Area Overlay Zoning District in the fall of 2022. Since then, revisions have been made based on comments received. A Community Meeting is scheduled for this Thursday, March 23, 2023, at 6 PM at the St. James Town Hall with property owners. The revised draft will be brought to the Brunswick County Planning Board for a public hearing and their consideration on April 10, 2022. It would be anticipated to go to the Brunswick County Board of Commissioners for a public hearing and consideration in May or June.
- Will this restrict signs?
 - Signs will not be prohibited but would have to comply with all the Wellhead Protection Area Overlay standards including a 23 ft depth limitation on excavation, dirt removal, and land disturbance.

- How large is the buffer from wellheads?
 - The buffer from each wellhead varies but on average is 1,500 feet.
- Is a multi-story building allowed?
 - Yes, but would have to comply with a 23 ft depth limitation on excavation, dirt removal, and land disturbance.
- Will septic system be allowed?
 - No, new septic systems will not be allowed. Existing septic systems will not be affected.
- How will this impact individual homeowners?
 - Non-commercial use of fertilizers will be allowed.
 - Private wells will not be affected.
 - Existing septic systems will not be affected but new septic systems will not be allowed.
 - Will have to comply with all the Wellhead Protection Area Overlay standards when building a new home, shed, or accessory building.
- Will single-family, duplexes, and multi-family be allowed?
 - Yes, residential (single-family, duplexes, and multi-family) will be allowed but will have to comply with all the Wellhead Protection Area Overlay standards including a 23 ft depth limitation on excavation, dirt removal, and land disturbance.
- With the additional site requirements, will there be decreased development related fees?
 - Decrease in development related fees are not proposed at this time.
- Where does the authority come from for local governments to have zoning and implement a Wellhead Protection Zoning Overlay?
 - The North Carolina General Statutes (NCGS) in § 160D-701 & 702 grant local government the power to adopt zoning regulations to promote the public health, safety, and general welfare of the community.
- Will the NC 211 widening project currently under construction by NCDOT be allowed under the proposed overlay?
 - Yes, the NC 211 widening project will be able to continue.
- How many acres in unincorporated Brunswick County will be in the wellhead Protection Zoning Overlay?
 - The Wellhead Protection Zoning Overlay will encompass 3,140.8 acres in unincorporated Brunswick County.

CONSISTENCY STATEMENT

FOR BRUNSWICK COUNTY PLANNING BOARD

ZONING AMENDMENT DESCRIPTION: Wellhead Protection Overlay District



**THE BRUNSWICK COUNTY PLANNING BOARD HEREBY ORDER, on the basis of
be all the foregoing, that the UNIFIED DEVELOPMENT ORDINANCE ZONING AMENDMENT**

APPROVED – CONSISTENT WITH COMPREHENSIVE PLAN

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

ALTERNATIVE RECOMMENDATION: _____

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

APPROVED – NOT CONSISTENT WITH COMPREHENSIVE PLAN

- The Planning Board finds that the proposed zoning amendment *is NOT consistent* with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons: _____
- The Planning Board further finds that the approval of the proposed zoning amendment will amend the CAMA Land Use Plan (Comprehensive Plan) and the following changes have been considered to meet the needs of the community: _____
- The Planning Board further finds that the proposed zoning amendment *is reasonable and in the public's interests* for the following reasons: _____

DENIED – INCONSISTENT WITH COMPREHENSIVE PLAN

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

TABLED

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

Wellhead Protection Zoning Overlay Community Meeting Summary

- Community Meeting held at the St. James Town Hall at 6 PM on March 2, 2023.
- Owners & Adjacent Owners were notified via first class mail.
- Email notifications were sent to folks that provided email addresses at the September 8, 2022, Community Meeting.
- Number of Attendees that Signed In: 32
- Comments Received:
 - Via Emails Received (see attached):
 - Jim Board, Councilman, Town of St. James
 - Jean Toner, Mayor, Town of St. James
 - In Person Community Meeting:
 - Many concerns of NCDOT single source barrow mine.
 - Concern of weakening and streamlining the performance standards section.
 - Prefers original depth requirement of 10 ft verses revised requirement of 23 ft.
 - The streamlining and deletion of verbiage related to Best Management Practices, spill response plan, continence plans, list of prohibited chemicals.
 - Removal of the enhanced stormwater requirements.
 - Objection to
 - Concern about contaminants in our water supply and future water quality in Brunswick County.
 - Concerns of enforcement of the wellhead plan and zoning overlay in the future.
 - Prefers a more restrictive overlay.
 - Request to look at the difference between the wording of hazardous materials vs. hazardous substances.
 - Concerns with a lot of uses only being allowed with issuances of a Special Use Permit by the Board of Adjustment.

Kirstie Dixon

From: Jean Toner <jtoner@stjames.town>
Sent: Thursday, March 23, 2023 1:05 PM
To: Kirstie Dixon
Cc: Commissioner Sykes; Randy Thompson; Frank Williams; Commissioner Forte; Commissioner Cooke
Subject: Re: Community Meeting: Wellhead Protection Zoning Overlay

CAUTION: This email originated from outside of Brunswick County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kirstie,

We strongly object to the removal of a number of Performance Standards, with the exception of D.4., from the Wellhead Protection Area Overlay working draft. These standards appropriately provide protection measures for the Castle Hayne and Pee Dee aquifers and do not represent onerous requirements for developers.

We sincerely hope that the Brunswick County Planning Department will recognize its responsibility to ensure that critical water resources are adequately protected.

County residents are already concerned about contaminants in our water supply and the removal of Performance Standards will be viewed as a disregard for public health and safety. It is better to take protective measures in advance than to attempt remediation after the fact. One would hope that lessons have been learned from the Cape Fear river PFAS issue.

Thank you for considering our concerns.

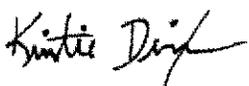
Jean Toner
Mayor, Town of St. James

From: Kirstie Dixon <Kirstie.Dixon@brunswickcountync.gov>
Sent: Monday, March 20, 2023 2:57 PM
To: Jean Toner <jtoner@stjames.town>
Subject: RE: Community Meeting: Wellhead Protection Zoning Overlay

Good afternoon! Good question - changes were made due to community feedback. The updated version prohibits uses that use/store hazardous chemicals and allows dirt removal up to 23 ft (this depth was selected due to a recent re[rt received by Public Utilities).

Please let me know if you have any questions or concerns.

Thanks,



Kirstie Dixon

Planning Director
Brunswick County Planning
PO Box 249
Bolivia, NC 28422
910/253-2027
(800) 621-0609
Fax: 910/253-2024
kirstie.dixon@brunswickcountync.gov

www.brunswickcountync.gov

From: Jean Toner <jtoner@stjames.town>
Sent: Monday, March 20, 2023 11:33 AM
To: Kirstie Dixon <Kirstie.Dixon@brunswickcountync.gov>
Subject: Re: Community Meeting: Wellhead Protection Zoning Overlay

CAUTION: This email originated from outside of Brunswick County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kirstie,

Thanks for forwarding the meeting information. I do have a question: What was the rationale for the deletions in the Performance Standards section?
See you Thursday.

Jean Toner

From: Kirstie Dixon <Kirstie.Dixon@brunswickcountync.gov>
Sent: Wednesday, March 1, 2023 2:16 PM
To: Kirstie Dixon <Kirstie.Dixon@brunswickcountync.gov>
Cc: Connie Marlowe <Connie.Marlowe@brunswickcountync.gov>; Dennis Rabon <dennis.rabon@brunswickcountync.gov>; Garrett Huckins <garrett.huckins@brunswickcountync.gov>; Helen Bunch <Helen.Bunch@brunswickcountync.gov>; Hugo Bryant <hugo.bryant@brunswickcountync.gov>; Leslie Roach <leslie.roach@brunswickcountync.gov>; Marc Pages <Marc.Pages@brunswickcountync.gov>; Nicole Morgan <nicole.morgan@brunswickcountync.gov>; Ronald Meredith <ronald.meredith@brunswickcountync.gov>; Haynes Brigman <haynes.brigman@brunswickcountync.gov>; Bryan Batton <bryan.batton@brunswickcountync.gov>; Glenn Walker <Glenn.Walker@brunswickcountync.gov>; John Nichols <John.Nichols@brunswickcountync.gov>; Jeremy Sexton <Jeremy.Sexton@brunswickcountync.gov>
Subject: Community Meeting: Wellhead Protection Zoning Overlay

Good afternoon! You are receiving this email because you attended the previous community meeting about the Wellhead Protection Zoning Overlay. A Community Meeting is scheduled for Thursday, March 23, 2023, at 6 PM at the St. James Community Center to discuss the Wellhead Protection Overlay with the public. The official notice including the meeting notice, a map, and a copy of the Proposed Wellhead Protection Overlay Text Amendment is attached for your review & feedback.

Please let me know if you have any questions or concerns & I look forward to seeing you at the community meeting.

Thanks,



Kirstie Dixon

Planning Director

Brunswick County Planning

PO Box 249

Bolivia, NC 28422

910/253-2027

(800) 621-0609

Fax: 910/253-2024

kirstie.dixon@brunswickcountync.gov

www.brunswickcountync.gov

Kirstie Dixon

From: Jim Board <Jboard@stjames.town>
Sent: Thursday, March 23, 2023 4:16 PM
To: Kirstie Dixon; Randy Thompson; Commissioner Forte; Commissioner Cooke; Commissioner Sykes; Frank Williams
Cc: Connie Marlowe; Dennis Rabon; Garrett Huckins; Helen Bunch; Hugo Bryant; Leslie Roach; Marc Pages; Nicole Morgan; Ronald Meredith; Haynes Brigman; Bryan Batton; Glenn Walker; John Nichols; Jeremy Sexton; Jean Toner; Jeff Repp; David M. DeLong; David Morgan; Lynn Dutney
Subject: FW: Community Meeting: Wellhead Protection Zoning Overlay
Attachments: WPA Flyer.pdf; 2-27-23 Working Draft 4.8.8 WPA Redlined Copy (002).pdf

CAUTION: This email originated from outside of Brunswick County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Dixon and Brunswick County Commissioners,

I have reviewed the working draft and redlined copy of the proposed Wellhead Protection Zoning District Overlay and have the following comments:

- **Section B, Para 2** – I am curious as to why you have deleted the definition of Best Management Practices since this is the most practical way to safeguard the aquifer and surrounding areas and is a generally used term to require responsible developers to use the best available means and methods to prevent contamination.
- **Section B, Para 14** – You have deleted the “Spill Response Plan” definition. I would also think that spill response would be appropriate to this overlay, so why has this definition been eliminated.
- **Section D, Para 1** – All of the requirements for enhanced stormwater control measures have been eliminated, including those recommended means for mitigating the potential effects of flooding in the area defined by the overlay. Without these requirements, the overlay has very little impact on enforceability and really leaves the mitigation of flooding contamination up to the Developer and not defined by the County.
- **Section D, Para 4** – Why was the allowable excavation depth changed from 10 feet to 23 feet? I cannot think of a reason or need for depths beyond 10 feet for foundations or the like by a developer unless they have other uses in mind, which would have to be defined and approved. Why has this depth restriction been increased by more than double?
- **Section D, Para 8** – Why are you allowing “wood preserving operations and any construction using formulations of Chrome-Copper-Arsenate (CCC), pentachlorophenol (PENTA), creosote and related chemicals”? Endeavors such as these would absolutely be deemed to be potentially harmful and contamination sources for the aquifer that services St. James and other communities. I would strongly urge that this language and exclusion be included in the overlay.
- **Section D, Para 9** – The same argument applies to paragraph 9. Deleting the requirements for contingency plans to alleviate the potential contaminations of the aquifer due to floods, fire, or other natural catastrophes, equipment failures or releases seems to be too open ended and left up to the developer. Such contingency plans should be standard practice for responsible developers and industries as a precaution for preventing contamination of a natural water source. As such, I feel that it is the responsible thing to do to include these requirements in the Wellhead Protection Zoning District Overlay.

It is my sincere hope that this proposed Wellhead Protection Zoning District Overlay provides adequate protection, and enforceable remedies for failure to comply with its restrictions, covenants and best practices. Without keeping the requirements in the Performance Standards of the Zoning Overlay, limited enforcement and very liberal allowances are

provided to any proposed developer within the addressed area. The Castle Hayne Aquifer is a cherished natural resource for our community and county and, as such, I encourage Brunswick County to protect it from contamination by using a more restrictive approach than that which is being proposed in the redlined document.

Thank you,

Jim Board

Jim Board, Councilman
Town of St. James
4140A Southport-Supply Road
St. James, NC 28461
Phone: (910) 253-4730
jboard@stjames.town

From: Jean Toner <jtoner@stjames.town>
Sent: Monday, March 20, 2023 1:20 PM
To: David M. DeLong <ddejong@stjames.town>; Lynn Dutney <LDutney@stjames.town>; David Morgan <Dmorgan@stjames.town>; Jim Board <Jboard@stjames.town>; Jeff Repp <jrepp@stjames.town>
Subject: Fwd: Community Meeting: Wellhead Protection Zoning Overlay

FYI. The follow up meeting with the revised plan. I have asked Kristie for the rationale for the deletions in the Performance Standards section.

Jean

Jean R. Toner, Mayor
Town of St. James
4140A Southport-Supply Road
St. James, NC 28461
Phone: (910) 253-4730
jtoner@stjames.town

Begin forwarded message:

From: Kirstie Dixon <Kirstie.Dixon@brunswickcountync.gov>
Date: March 1, 2023 at 3:16:49 PM EST
To: Kirstie Dixon <Kirstie.Dixon@brunswickcountync.gov>
Cc: Connie Marlowe <connie.marlowe@brunswickcountync.gov>, Dennis Rabon <dennis.rabon@brunswickcountync.gov>, Garrett Huckins <garrett.huckins@brunswickcountync.gov>, Helen Bunch <Helen.Bunch@brunswickcountync.gov>, Hugo Bryant <hugo.bryant@brunswickcountync.gov>, Leslie Roach <leslie.roach@brunswickcountync.gov>, Marc Pages <Marc.Pages@brunswickcountync.gov>, Nicole Morgan <nicole.morgan@brunswickcountync.gov>, Ronald Meredith <ronald.meredith@brunswickcountync.gov>, Haynes Brigman <haynes.brigman@brunswickcountync.gov>, Bryan Batton <bryan.batton@brunswickcountync.gov>, Glenn Walker <Glenn.Walker@brunswickcountync.gov>, John Nichols

<John.Nichols@brunswickcountync.gov>, Jeremy Sexton <Jeremy.Sexton@brunswickcountync.gov>

Subject: Community Meeting: Wellhead Protection Zoning Overlay

Good afternoon! You are receiving this email because you attended the previous community meeting about the Wellhead Protection Zoning Overlay. A Community Meeting is scheduled for Thursday, March 23, 2023, at 6 PM at the St. James Community Center to discuss the Wellhead Protection Overlay with the public. The official notice including the meeting notice, a map, and a copy of the Proposed Wellhead Protection Overlay Text Amendment is attached for your review & feedback.

Please let me know if you have any questions or concerns & I look forward to seeing you at the community meeting.

Thanks,

Kirstie Dixon

Planning Director

Brunswick County Planning

PO Box 249

Bolivia, NC 28422

910/253-2027

(800) 621-0609

Fax: 910/253-2024

kirstie.dixon@brunswickcountync.gov

www.brunswickcountync.gov

Brunswick County Unified Development Ordinance

PROPOSED TEXT AMENDMENTS SPRING 2023

(March 21, 2023)

1. Edit the Minimum Number of Stacking Space Table and add a commentary to Article 6, Section 6.12.8.B, Vehicle Stacking Areas, to clarify the number of vehicle stacking spaces required for gasoline and diesel pumps, as follows:

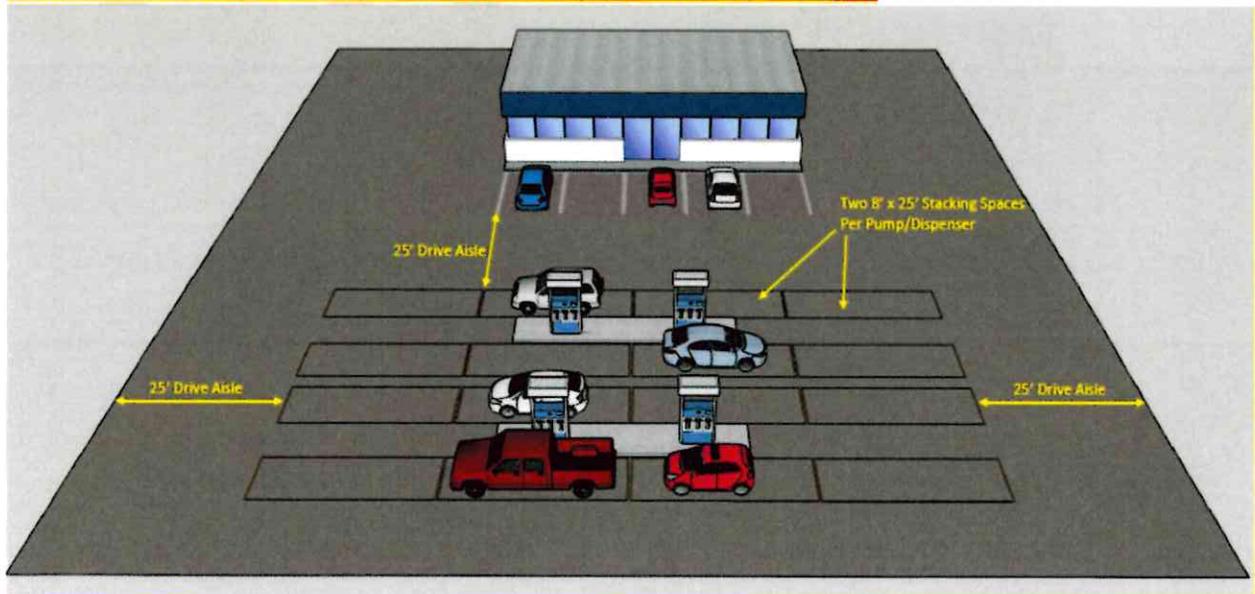
- Section 6.12.8.B., Minimum Number of Spaces

B. Minimum Number of Spaces

Off-street stacking spaces shall be provided as follows:

Activity Type	Minimum Stacking Spaces	Measured From:
Automated teller machine (drive-up)	3	Teller
Bank teller lane	4	Teller or Window
Car wash bay, full-service	6	Bay
Car wash bay, self-service	3	Bay
Dry cleaning/laundry drive-through	3	Cleaner/Laundry Window
Gasoline pump island pump/dispenser	2	Pump Position Island pump/dispenser per side
Diesel pump/dispenser	2	Pump Position pump/dispenser per side
Gatehouse, staffed	4	Gatehouse
Gate, unstaffed	2	Gate
Pharmacy pickup	3	Pharmacy Window
Restaurant drive-through	6	Order Box
Restaurant drive-through	4	Between Order Box and Pick-Up Window
Valet parking	3	Valet Stand
Other	Determined by Planning Director in consideration of an approved study prepared by a registered engineer with expertise in Transportation Engineering.	

COMMENTARY: Each Gasoline and diesel pumps/dispensers will require 2 stacking spaces per side. Therefore, a standard fueling pump/dispenser that contains nozzles on each side will require a total of four stacking spaces. The space where the vehicle is fueling counts as a stacking space. See diagram below:



2. Amend Article 6, Section 6.7.2., Large Scale Commercial Defined and Article 3, Section 3.1.6., Site Plan Approval Required, to clarify that the 75,000 square foot requirement is for enclosed heated square feet, as follows:

- 6.7.2., Large Scale Commercial Defined

Large scale commercial developments are considered to be any structure or group of structures that share common walls that have an enclosed **heated** gross floor area of 75,000 square feet or more.

- 3.1.6., Site Plan Approval Required

A. Minor Site Plan

1. Criteria:

ii. Total building **that has an enclosed heated gross** floor area of 75,000 square feet or less, including existing buildings on the site; or

iii. Parking lot expansion with a total building **that has an enclosed heated gross** floor area (including existing buildings) of less than 75,000 square feet.

3. Amend Article 3, Section 3.4.12.G., Appeal, to better define the appeal process for final plats, as follows:

- Section 3.4.12.G., Appeal

1. **The applicant may appeal Planning Director action on a final plat to the Planning Board in accordance with the same manner as an appeal to the Brunswick County Board of Adjustment in Section 9.8, Appeal of Administrative Decision. The applicant shall notify the Planning Director in writing of his/her intent to appeal, within ten days of the denial. The Planning Director shall place the appeal on the next available Planning Board agenda.**

2. **Final action on a final plat may be appealed to Brunswick County Superior Court in accordance with applicable law. If the final plat is denied by the Planning Board, the applicant may appeal to the board of Commissioners. Any appeal to the Board of Commissioners must be taken within 30 days after the decision of the Planning Board is filed in the Planning Office, or after a written copy of the decision is mailed to the appellant by registered mail return receipt requested, whichever is later. Such appeal shall be for the Board of Commissioners to determine if the Planning Board correctly applied the subdivision ordinance to the subdivision requested.**

4. Amend Article 3, Section 3.2.12., Appeal to better define the appeal process for minor site plans, major site plans including Planned Developments and Major Subdivisions, as follows:

- Section 3.2.12., Appeal

A. Final action on a minor site plan may be appealed to the **Brunswick County Planning Board Board of County Commissioners in accordance with in the same manner as an appeal to the Brunswick County Board of Adjustment in** Section 9.8, Appeal of Administrative Decision.

B. Final Action on a site plan in conjunction with a Conditional Rezoning request may be appealed to the Board of Commissioners.

C. **Final action on a major site plan may be appealed to the Brunswick County Superior Court in accordance with applicable law. Final action on a major site plan that does not involve a Special Use may be appealed to the Brunswick County Superior Court in accordance with applicable law.**

D. **Final action on a major site plan that involves a Special Use may be appealed by filing a petition for certiorari with the Brunswick County Superior Court.**

5. Amend Article 3 Section 3.1.5.B, to remove language related to bonding the final lift of asphalt, as follows:

- Section 3.1.5.B.
 - B. Approval of final plat or PD plan upon completion of all required improvements with the exception of minor improvements such as required landscaping or electric utilities. **Surety acceptable to the County must be provided in the amount of 125% of the engineer certified cost of the final lift of asphalt.**

6. Amend Appendix C, Summary of Final Plat Certificates and Endorsements, to add an alternative electricity statement for final plats, as follows:

- Summary of Final Plat Certificates and Endorsements Table

Summary of Final Plat Certificates and Endorsements					
Type of Certificate	Subdivision Exemptions or Waivers	Minor Subdivisions	Major Subdivisions	Planned Developments (PDs)	See Item
Certificate of Survey and Accuracy	✓	✓	✓	✓	A
Certificate of Purpose of Plat	✓	✓	✓	✓	B
Review Officer Certification	✓	✓	✓	✓	C
Certificate of Ownership		✓	✓	✓	D
Family Subdivision Exemption Statement	*				A
Certificate of Approval for Installed Improvements		*	*	*	B
Certificate of Approval for Financially Guaranteed Improvements		*	*	*	C
Certificate of Approval for Non-Community Utility Providers		*	*	*	D
Road Maintenance Agreement Certificate	*	*			E
Engineers' Certificate of Road Construction			*	*	C
Maintenance Disclosure Statement Certificate for Public Subdivision		*	*		F
Maintenance Disclosure Certificate for Private Subdivision/PD Roads		*	*		G
Electrical Service Certification			*	*	I
BEMC Alternate Electrical Service Certification			*	*	
✓ Required *If applicable					

- Add an alternative BEMC Electrical Service Certificate under I., Electrical Service Certification.

BEMC Alternate Electrical Service Certification

Brunswick Electric Membership Corporation hereby certifies that all fees owed by Developer have been paid and that BEMC shall install electrical service prior to the construction on lots as depicted on this subdivision plat.

Project Manager _____ Date _____

CONSISTENCY STATEMENT

FOR BRUNSWICK COUNTY PLANNING BOARD

ZONING AMENDMENT DESCRIPTION: Text Amendments



**THE BRUNSWICK COUNTY PLANNING BOARD HEREBY ORDER, on the basis of
be all the foregoing, that the UNIFIED DEVELOPMENT ORDINANCE ZONING AMENDMENT**

APPROVED – CONSISTENT WITH COMPREHENSIVE PLAN

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

ALTERNATIVE RECOMMENDATION: _____

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

APPROVED – NOT CONSISTENT WITH COMPREHENSIVE PLAN

- The Planning Board finds that the proposed zoning amendment *is NOT consistent* with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons: _____
- The Planning Board further finds that the approval of the proposed zoning amendment will amend the CAMA Land Use Plan (Comprehensive Plan) and the following changes have been considered to meet the needs of the community: _____
- The Planning Board further finds that the proposed zoning amendment *is reasonable and in the public's interests* for the following reasons: _____

DENIED – INCONSISTENT WITH COMPREHENSIVE PLAN

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

TABLED

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

REZONING STAFF REPORT



Prepared by Ron Meredith, Project Planner
Rezoning Case#: Z-863
April 10, 2023

APPLICATION SUMMARY

The applicant, Dave Nelson, requests to rezone Tax Parcels 2423A042 and 2423A043 from R-6000 (High Density Residential) to C-LD (Commercial-Low Density). This rezoning request is conventional; therefore, no conditions or site plans are proposed. All owners and adjacent owners have been notified via first-class mail.

Location

7251 AND 7245 Westbrook AVE (SR 1269) Near Sunset Beach, NC.

Tax Parcel

2423A042 and 2423A043

Current Zoning

R-6000 (High Density Residential),

Proposed Zoning

C-LD (Commercial-Low Density).

Surrounding Zoning

SB-MB-2 (Sunset Beach Mainland Business), R-6000 (High Density Residential), and C-LD (Commercial-Low Density).

Current Use

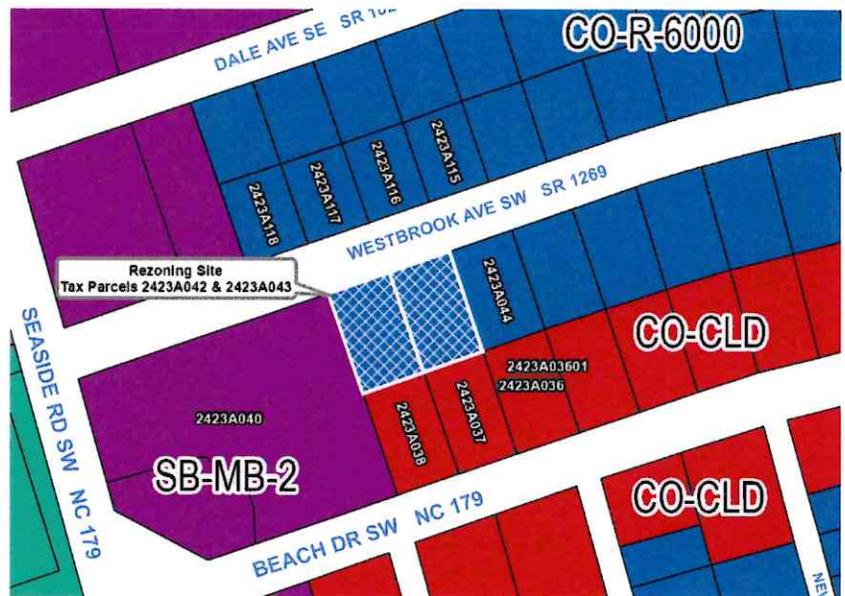
Vacant Lands

Surrounding Land Uses

Residential, Commercial, and Vacant Lands

Size

Approximately 0.43 Acres.



SITE CONSIDERATIONS

Zoning History: The zoning designation on this property has remained unchanged since zoning was adopted in 1994.

Buffers: If rezoned to C-LD (Commercial-Low Density), all uses will require a 0.4 opaque buffer adjacent to R-6000 (High-Density Residential) if vacant and 0.6 opaque if developed.

Street Yard Buffers: A 20-foot Street Yard Buffer is required for Westbrook Ave (SR 1269) as it's classified as a local roadway.

Utilities: Water and wastewater is available from Brunswick County Utilities. Utility connections will require developer responsibility to connect to the water and wastewater systems.

Schools: Jesse Mae Monroe Elementary School, Shallotte Middle School, and West Brunswick High School have adequate capacity.

CIP Projects in Area: New Early College High School (FY 2022) and the Airport Expansion Project (FY 2023).

Traffic: There are no traffic counts available for Westbrook Ave (SR 1269) as it's classified as a local roadway. There are no capacity deficiencies for this section of Beach (SR 1242) and Seaside Rd (SR 1162) as it's classified as a major collector street.

NCDOT Road Improvement Projects in Area: There are no Improvements within proximity to the applicant's proposal.

Environmental Impacts:

- No portions of the site are within a Flood Hazard Zone.
- Biodiversity & Wildlife Habitat Assessment Score: The site is unrated due to existing impervious coverage on the subject parcel.
- The requested parcels (2423A042 and 2423A043) are not located within a half mile of a Voluntary Agricultural District property.

ANALYSIS

"C-LD (Commercial-Low Density) this is intended primarily to be used in outlying areas, adjacent to major thoroughfares, with yards and other provisions for reducing conflicts with adjacent residential uses, and with substantial setbacks to reduce marginal friction on adjacent major thoroughfares. Commercial uses in this District will serve the needs of residential neighborhoods for auto-dependent commercial facilities; and serve the needs of highway-oriented tourist business."

CAMA Core Land Use Plan Classification:

The rezoning application was submitted under the Brunswick County CAMA Core Land Use Plan. The applicant's proposal is **NOT** consistent with LDR (Low Density Residential) land use classification requiring a Land Use Amendment (LUM-863) proposed from LDR (Low-Density Residential) to commercial specified in the plan. Subsequently, the Blueprint Brunswick 2040 Plan has been approved since the time of submittal. The applicant's proposal is generally consistent with Medium Density Residential-Mixed place type as designated on the Blueprint Brunswick 2040 Plan Future Land Use Plan Map, therefor not requiring a Land Use Amendment.

Staff Recommendation SUMMARY

Staff recommends Approval TO C-LD (Commercial-Low Density) with the Land Use Amendment for Tax Parcels 2423A042 and 2423A043 based upon information provided, surrounding area, current uses, the Brunswick County CAMA CORE Land Use Plan, BLUEPRINT BRUNSWICK 2040 PLAN, and other adopted Brunswick County plans and policies.

CONSISTENCY STATEMENT

FOR BRUNSWICK COUNTY PLANNING BOARD

ZONING AMENDMENT DESCRIPTION: Z-863 (R-6000 to C-LD)



**THE BRUNSWICK COUNTY PLANNING BOARD HEREBY ORDER, on the basis of
be all the foregoing, that the UNIFIED DEVELOPMENT ORDINANCE ZONING AMENDMENT**

APPROVED – CONSISTENT WITH COMPREHENSIVE PLAN

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

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

APPROVED – NOT CONSISTENT WITH COMPREHENSIVE PLAN

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

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

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

DENIED – INCONSISTENT WITH COMPREHENSIVE PLAN

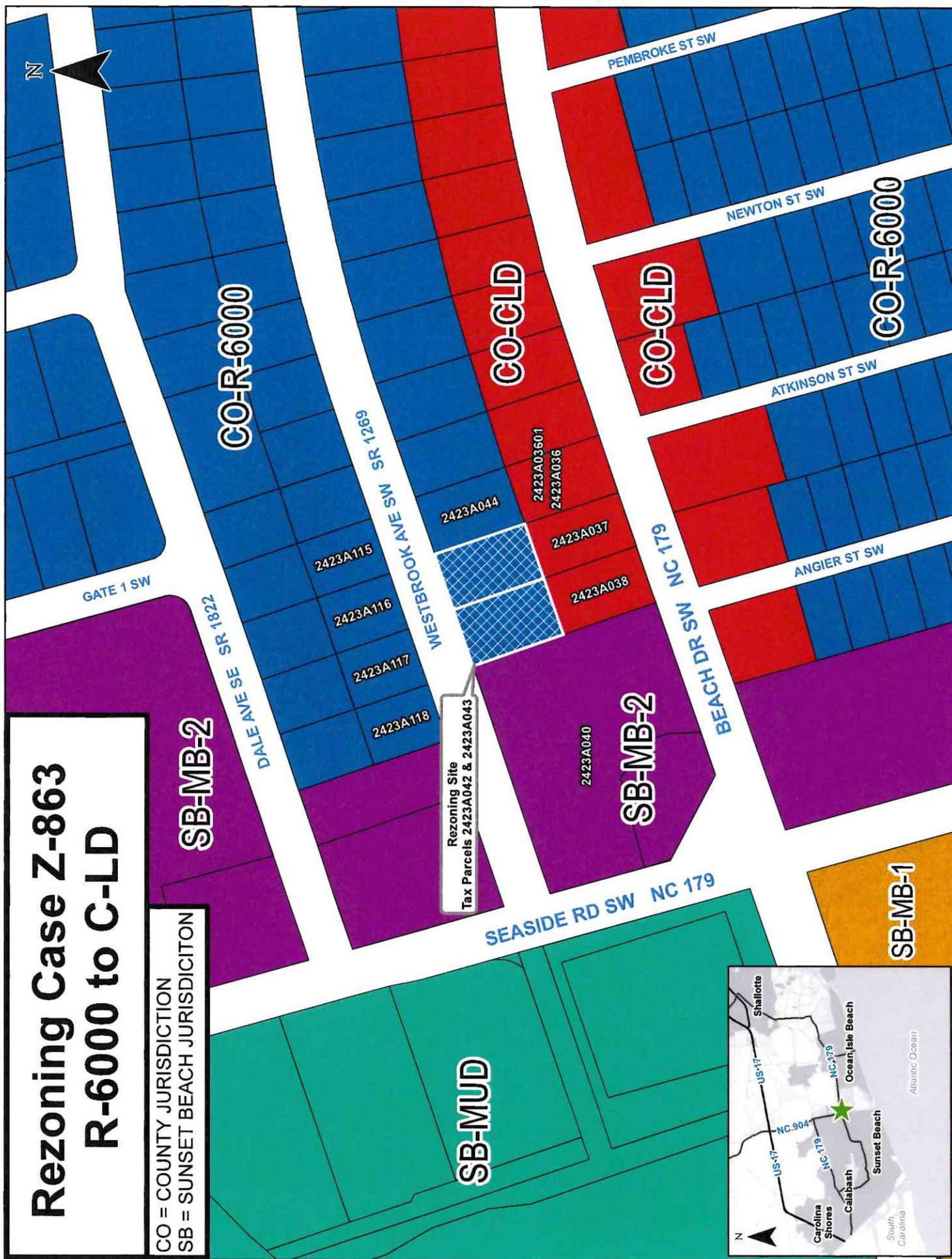
- The Planning Board finds that the proposed zoning amendment **is** **is not** consistent with the CAMA Land Use Plan (Comprehensive Plan) and **is** **is not** in the public interests for the following reasons: _____

TABLED

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

Rezoning Case Z-863 R-6000 to C-LD

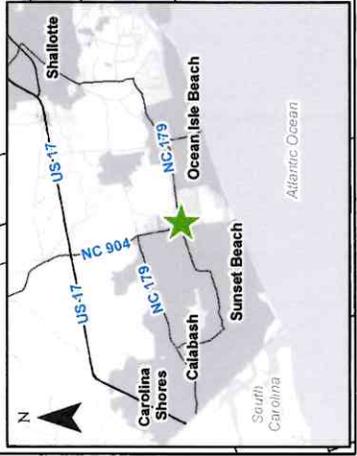
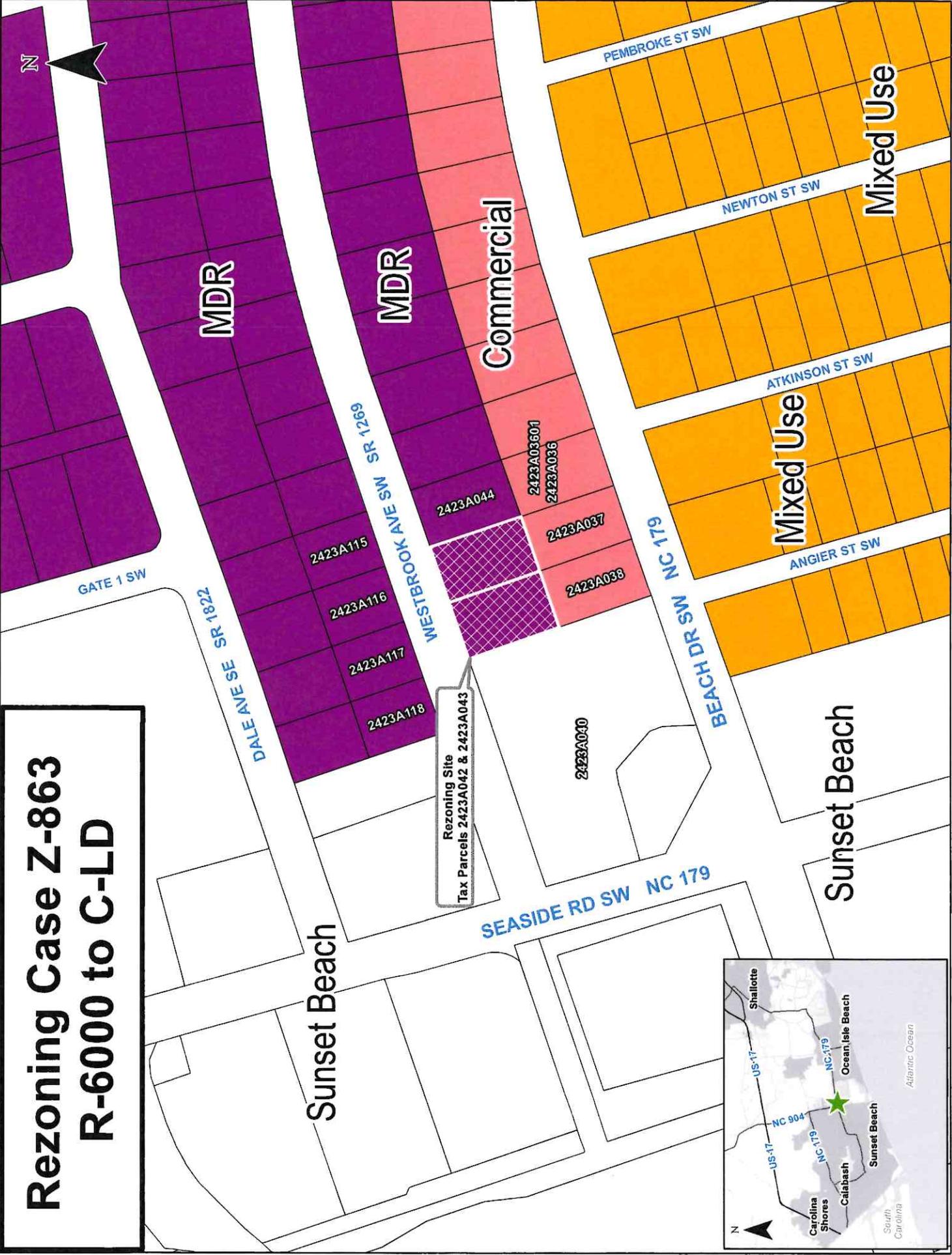
CO = COUNTY JURISDICTION
SB = SUNSET BEACH JURISDICTION



Rezoning Site
Tax Parcels 2423A042 & 2423A043



Rezoning Case Z-863 R-6000 to C-LD

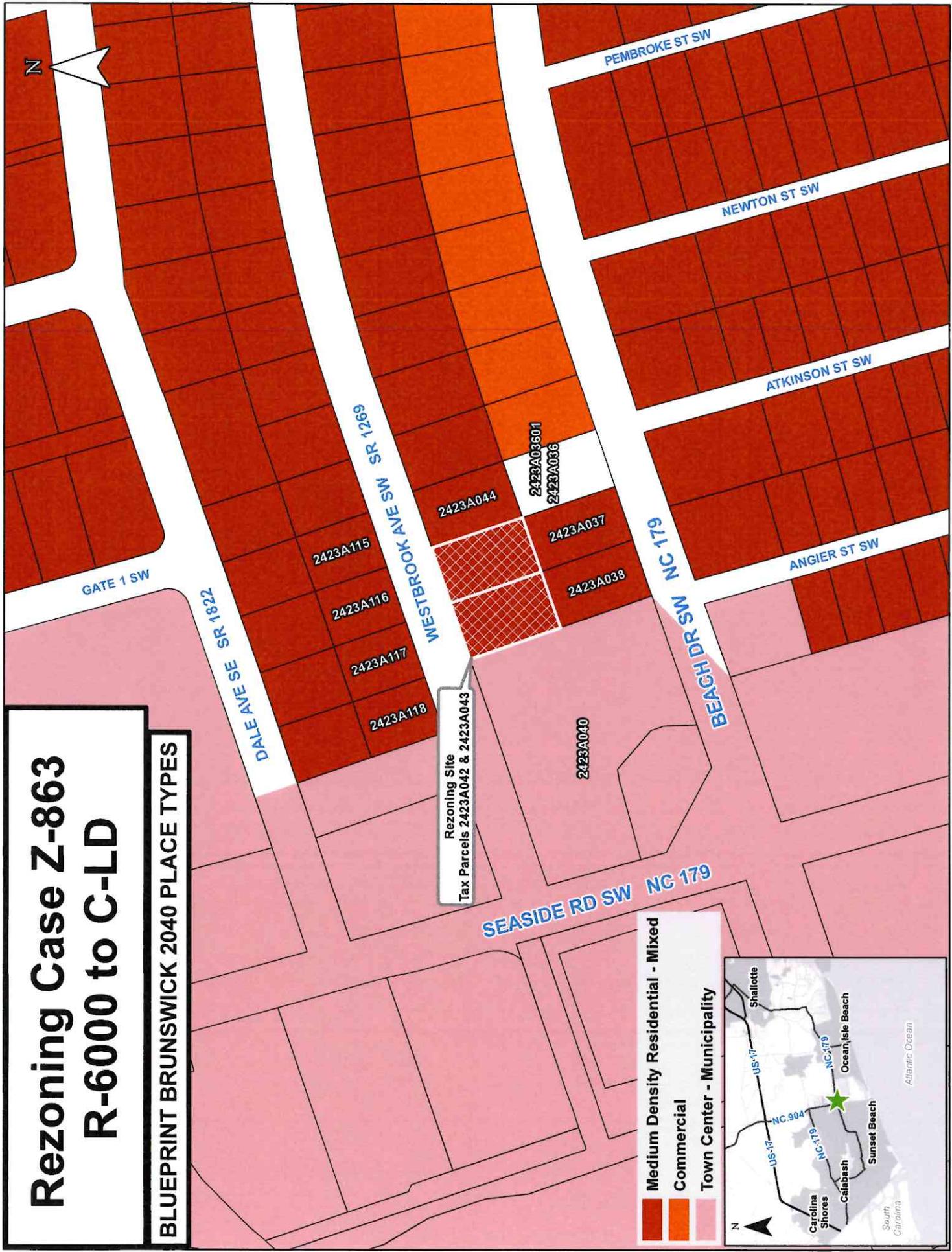


Rezoning Case Z-863 R-6000 to C-LD

BLUEPRINT BRUNSWICK 2040 PLACE TYPES

Rezoning Site
Tax Parcels 2423A042 & 2423A043

- Medium Density Residential - Mixed
- Commercial
- Town Center - Municipality



Rezoning Case Z-863 R-6000 to C-LD



CASE Z-863

ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME 1	NAME 2	ADDRESS	CITY	STATE	ZIP
2423A038	SMITH GEORGE MELTON ETUX	SMITH ALICE FAYE	3786 ASH LITTLE RIVER RD	ASH	NC	28420
2423A037	SMITH GEORGE MELTON ETUX	SMITH ALICE FAYE	3786 ASH LITTLE RIVER RD	ASH	NC	28420
2423A115	SIMMONS KEVIN ETUX	SIMMONS JAMIE	11940 NEW BRITTON HWY E	WHITEVILLE	NC	28472-8111
2423A117	MCDONALD HARVEY V AND	MCDONALD TERESA C/O NANET	6625 OLD SHALLOTTE RD NW	OCEAN ISL BCH	NC	28469
2423A040	WFT PROPERTIES INC		7290-03 BEACH DR SW	OCEAN ISLE BEAC	NC	28469
2423A044	FREEMAN MAVIS K		PO BOX 6185	OCEAN ISL BCH	NC	28469-0185
2423A116	DALE HAROLD ETUX	DALE JENNIFER	945 BUGSHOP RD	PRINCETON	NC	27569-8392
2423A118	ESTEP LARRY AND	ESTEP EDITH A	5443 THORNSPRING RD	PULASKI	VA	24301
2423A036	LYNCH MICHAEL ETUX	LYNCH GABRIELLA	1758 CHADWICK LANDING DR SW	SHALLOTTE	NC	28470-5753
2423A03601	LYNCH MICHAEL ETUX	LYNCH GABRIELLA	1758 CHADWICK LANDING DR SW	SHALLOTTE	NC	28470-5753

OWNER(S)

PARCEL ID	NAME	NAME 2	ADDRESS	CITY	STATE	ZIP
2423A043	SMITH GEORGE MELTON ETUX	SMITH ALICE FAYE	3786 ASH LITTLE RIVER RD	ASH	NC	28420
2423A042	SMITH GEORGE MELTON ETUX	SMITH ALICE FAYE	3786 ASH LITTLE RIVER RD	ASH	NC	28420

APPLICANT(S)

PARCEL ID	NAME	NAME 2	ADDRESS	CITY	STATE	ZIP
	DAVE NELSON		502 SUNSET BLVD. N.	SUNSET BEACH	NC	28468



REZONING APPLICATION

For Office Use Only 559000
 Rezoning Case Z- 263 Invoice # 325014
 Date Received 2-6-23
 Northwest Jurisdiction YES NO

Brunswick County Planning • PO Box 249, Bolivia, NC 28422 • Phone: (910) 253-2025/1-800-621-0609 • Fax: (910) 253-2437
 Complete the following application. This form must be completely filled out. Incomplete applications will result in a delay of this application and slow down the rezoning process.

APPLICANT INFORMATION (this person will be the contact person and will receive all mailings)	
Applicant Name(s): <u>DAVE NELSON</u>	
Mailing Address: <u>502 SUNSET BLVD. N.</u> <u>SUNSET BEACH, NC 28468</u>	
Phone: <u>910-443-0888</u>	Email: <u>DAVE@SUNSETBEACHSALES.COM</u>
PROPERTY OWNER INFORMATION (if different from above)	
Owner Name(s): <u>GEORGE MELTON SMITH</u>	
Mailing Address: <u>SAME AS ABOVE</u>	
Phone: <u>SAME AS ABOVE</u>	Email: <u>SAME AS ABOVE</u>
PROPERTY INFORMATION	
Property Address and/or Description of Location: <u>LOTS 42 & 43 WESTBROOKE AVE, DTS, NC 28469</u>	
Parcel Tax ID #(s): <u>2423AD42 - LOT 42</u> <u>2423AD43 - LOT 43</u>	Total Site Acreage: <u>.43 ACRE</u>
Current Zoning District(s): <u>R-6000</u> ^{RA}	Proposed Zoning District(s): <u>CLD</u>
Conditional Zoning Request <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<i>Conditional Zoning have additional submittal requirements such as Conceptual Site Plan, Proposed Conditions, Proposed Uses, and the holding of a neighborhood meeting. Please include the additional information as an attachment to this application.</i>	
NOTE: if multiple parcels are being proposed for rezoning then write "see attached" and attach the list of the parcels. Make sure to include the Tax Parcel ID #, owner name(s)/address, and acreage information.	

STATEMENT OF REASONABLENESS

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

REZONING IS CONSISTENT WITH CHARACTER OF AREA AND ADJACENT LOTS IN FRONT

LAND USE COMPATIBILITY

Future Land Use Map Classification:

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

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

LAND IS ADJACENT TO EXISTING COMMERCIAL LOTS, WOULD BE CONSISTENT WITH CHARACTER OF THE AREA.

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

APPLICANT/OWNER SIGNATURES

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

Applicant Signature: *UMP Kellogg*

Date: *2-6-23*

Owner Signature: *AGENT FOLLOWED*

Date: _____

Owner Signature: _____

Date: _____

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

Brunswick County Jurisdiction Fees

- <1.0 acres (\$350)
- 1.0 to <5 acres (\$400)
- 5.0 to <25 acres (\$450)
- 25 to <50 acres (\$600)
- 50+ acres (\$1,200)
- Conditional Zoning (Add \$200)

City of Northwest Jurisdiction Fees

- <1.0 acres (\$1,050)
- 1.5 to <5 acres (\$1,760)
- 5.0 to <25 acres (\$1,870)
- 25 to <50 acres (\$2,200)
- 50+ acres (\$2,200)
- Conditional Zoning (Add \$550)

Please note that any conditional zoning request and initial advertising will incur an additional \$500 fee for Brunswick County jurisdiction and \$550 for City of Northwest Jurisdiction.



REZONING STAFF REPORT

Prepared by Ron Meredith, Project Planner
Rezoning Case#: Z-864
April 10, 2023

APPLICATION SUMMARY

The applicant, Don Harley Jr., requests to rezone Tax Parcels 16300008, 16300009 and 16300014 from RR (Rural Residential) to R-7500 (Medium Density Residential). This rezoning request is conventional; therefore, no conditions or site plans are proposed. All owners and adjacent owners have been notified via first-class mail.

Location

Off Newman Smith Road NW
and Northeast of Russtown Road Near
Ash, NC

Tax Parcel

16300008, 16300009 and 16300014

Current Zoning

RR (Rural Residential)

Proposed Zoning

R-7500 (Medium Density Residential)

Surrounding Zoning

RR (Rural Residential)
and R-7500 (Medium Density
Residential)

Current Use

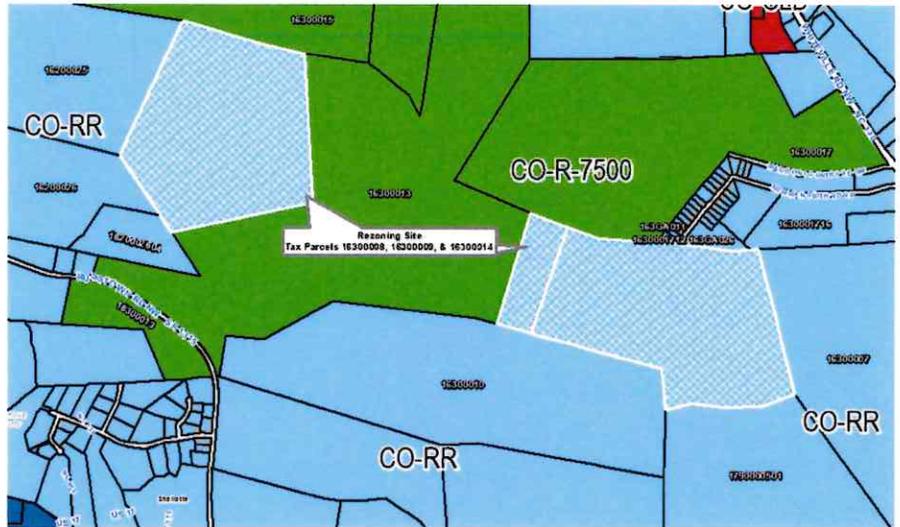
Vacant Lands

Surrounding Land Uses

Vacant Lands

Size

Approximately 266.09 Acres



SITE CONSIDERATIONS

Zoning History: The zoning designation on this property has remained unchanged since zoning was adopted in 1994.

Buffers: Depending upon the specified use, a perimeter buffer may be required and will be determined during the site-specific plan review.

Street Yard Buffers: Depending upon the specified use, a 20-foot Street Yard Buffer may be required and will be determined during the site-specific plan review.

Utilities: Water and wastewater is available from Brunswick County Utilities in the general area. Utility mainline extensions and connections will require developer responsibility for water and wastewater systems.

Schools: Waccamaw Elementary School, Waccamaw Middle School, and West Brunswick High School have adequate capacity.

CIP Projects in Area: Waccamaw Multiuse Facility Building (FY 2023) and the Waccamaw School K-2 Building Replacement (FY 2023).

Traffic: There are no capacity deficiencies for this section of Longwood Road NW (SR 1321) and Whiteville Road NW (NC130).

NCDOT Road Improvement Projects in Area: There are no improvements within proximity to the applicant's proposal.

Environmental Impacts:

- No portions of the site lay within a Flood Hazard Zone.
- Biodiversity & Wildlife Habitat Assessment Score: Portions of the site score a 2-7 out of 10 due to potential wetlands and Relative Conservation Value on the site.
- The requested parcels (16300008, 16300009 and 16300014) are located within a half mile of a Voluntary Agricultural District property.

ANALYSIS

"R-7500 (Medium Density Residential) districts are established to provide for orderly suburban residential development. A limited number of commercial and civic uses are allowed, subject to the restrictions necessary to preserve and protect the residential character of the neighborhood. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities. Due to the higher intensity developments contained in this district, it is intended to be applied to properties served by public sewer and water systems."

CAMA Land Use Plan Classification:

The rezoning application was submitted under the Brunswick County CAMA Core Land Use Plan. The applicant's proposal is generally consistent with LDR (Low Density Residential) land use classification. Subsequently, the Blueprint Brunswick 2040 Plan has been approved since the time of submittal. The applicant's proposal is NOT consistent with the *Open Space-conservation 1 and Rural-Agricultura place types* as designated on in the Blueprint Brunswick 2040 Plan Future Land Use Plan Map, therefore requiring a Land Use Amendment (LUM-864).

Staff Recommendation SUMMARY

Staff recommends Approval TO R-7500 (Medium Density Residential) with the Land Use Amendment for Tax Parcels 16300008, 16300009 and 16300014 based upon information provided, surrounding area, current uses, the Brunswick County CAMA CORE Land Use Plan, BLUEPRINT BRUNSWICK 2040 PLAN and other adopted Brunswick County plans and policies.

CONSISTENCY STATEMENT

FOR BRUNSWICK COUNTY PLANNING BOARD

ZONING AMENDMENT DESCRIPTION: Z-864 (RR to R-7500)



**THE BRUNSWICK COUNTY PLANNING BOARD HEREBY ORDER, on the basis of
be all the foregoing, that the UNIFIED DEVELOPMENT ORDINANCE ZONING AMENDMENT**

APPROVED – CONSISTENT WITH COMPREHENSIVE PLAN

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

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

APPROVED – NOT CONSISTENT WITH COMPREHENSIVE PLAN

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

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

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

DENIED – INCONSISTENT WITH COMPREHENSIVE PLAN

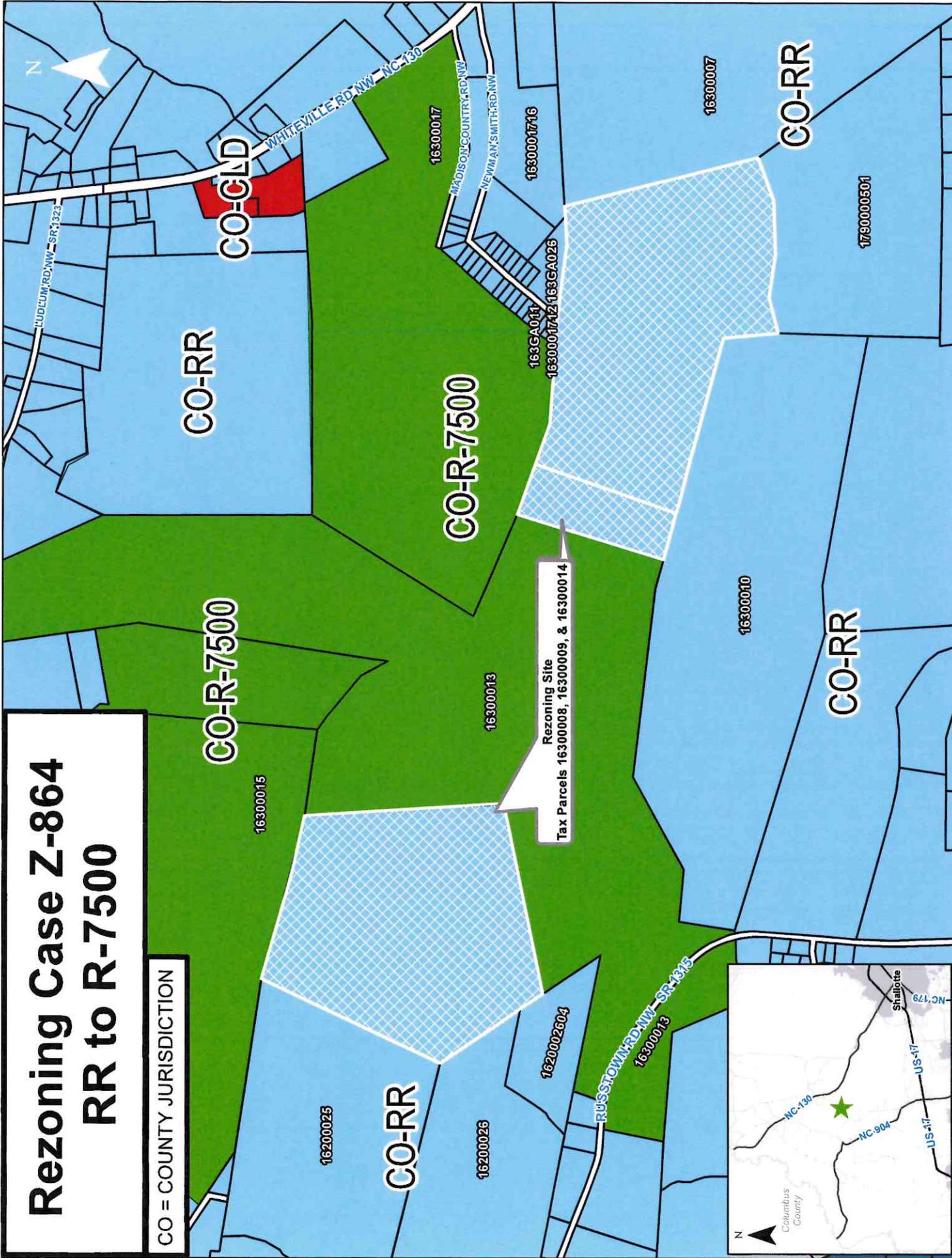
- The Planning Board finds that the proposed zoning amendment is is not consistent with the CAMA Land Use Plan (Comprehensive Plan) and is is not in the public interests for the following reasons: _____

TABLED

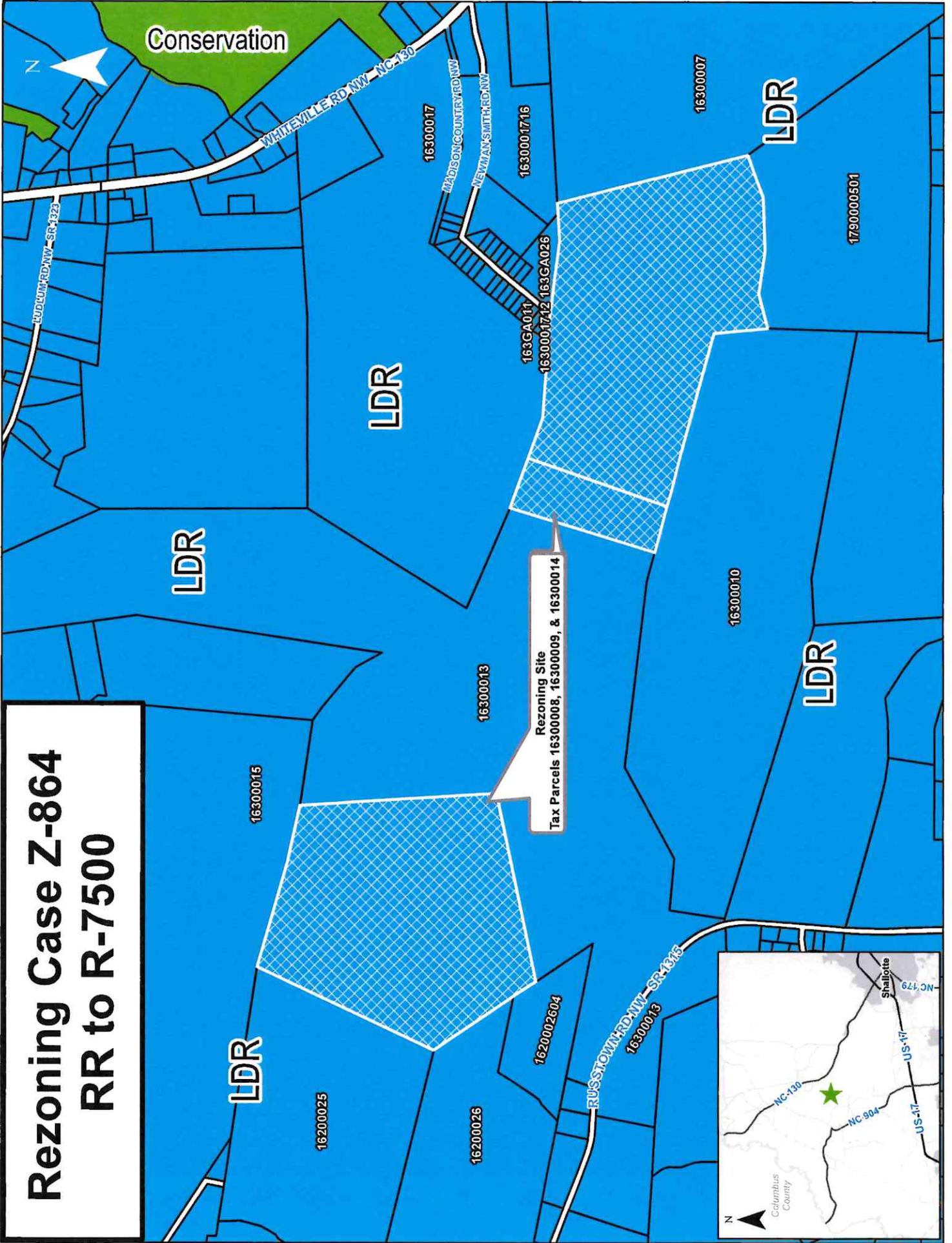
- The Planning Board TABLES the proposed zoning amendment to Next Planning Board Meeting A Future Planning Board Meeting in _____ months.

Rezoning Case Z-864 RR to R-7500

CO = COUNTY JURISDICTION



Rezoning Case Z-864 RR to R-7500

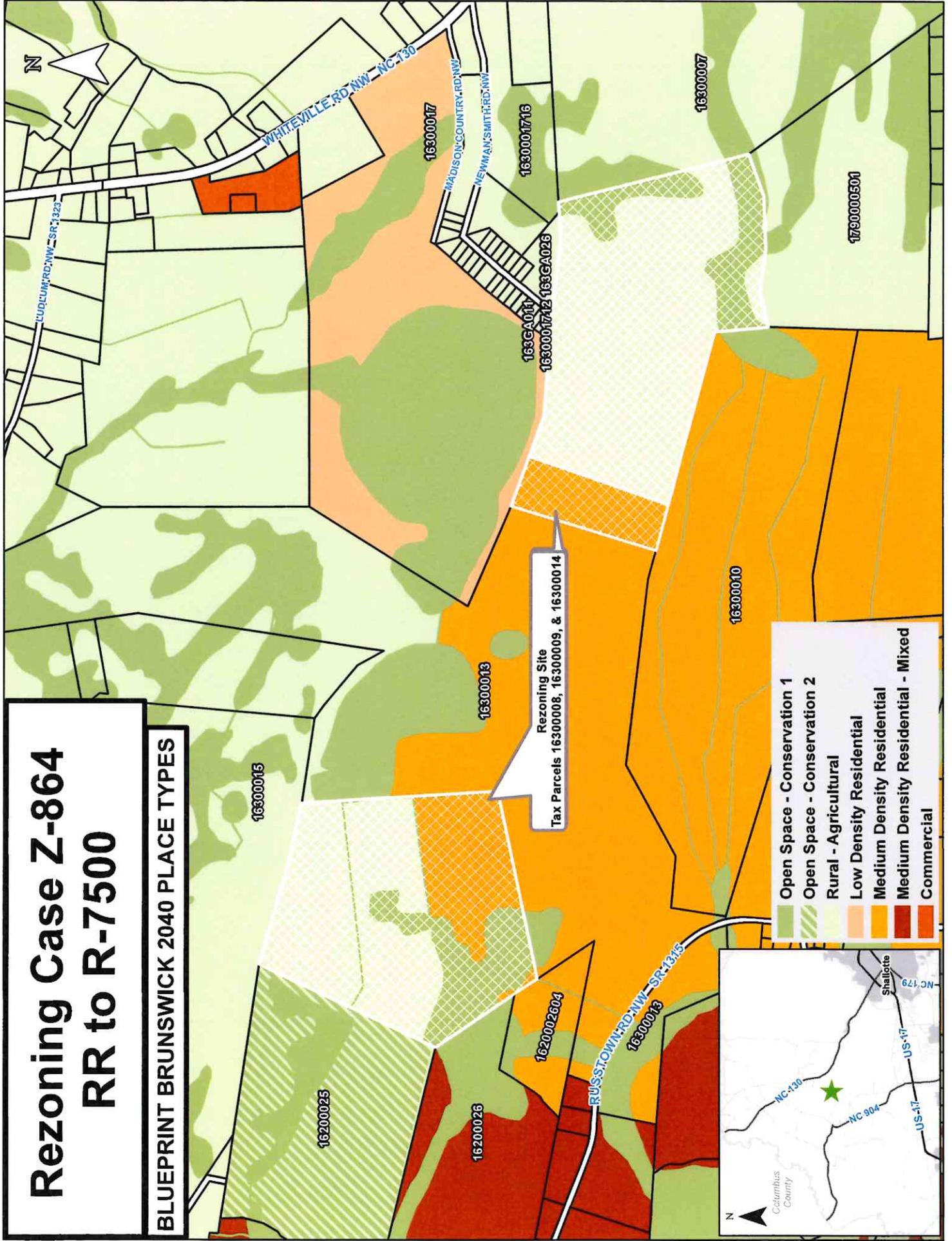


Rezoning Site
Tax Parcels 16300008, 16300009, & 16300014

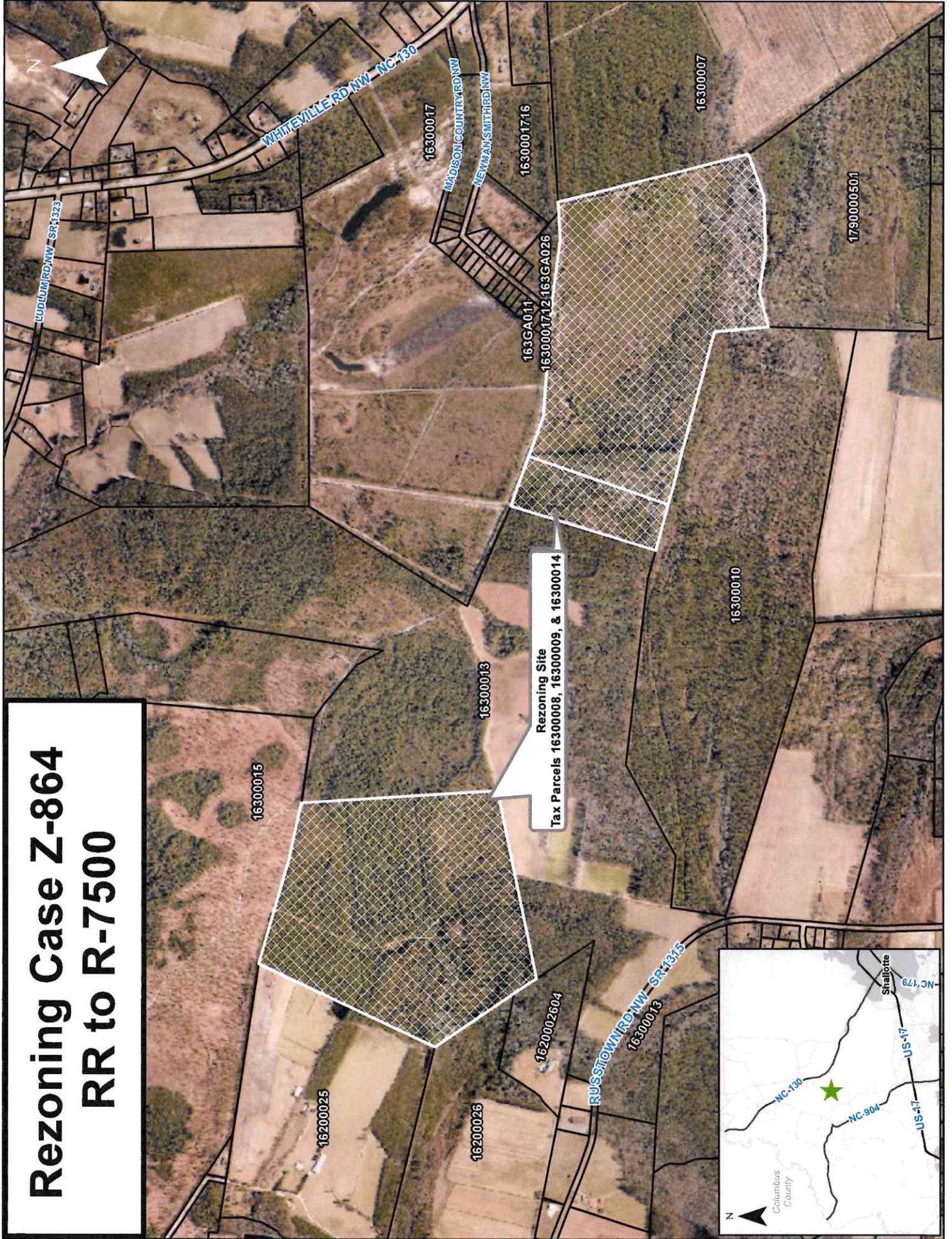


Rezoning Case Z-864 RR to R-7500

BLUEPRINT BRUNSWICK 2040 PLACE TYPES



Rezoning Case Z-864 RR to R-7500



CASE Z-864

ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME 1	NAME 2	ADDRESS	CITY	STATE	ZIP
16200026	MILLIGAN BOBBY DANE ET	MILLIGAN BILLIE JEAN	2885 ASH LITTLE RIVER RD NW	LONGWOOD	NC	28452-9723
163GA026	BARRON LUZ RESENDIZ AND	MONROY MARCELO RESENDIZ	6167 NEWMAN SMITH RD NW	ASH	NC	28420-3229
16300007	RACCOON SILVA LLC		8809 LENOX POINTE DR STE B	CHARLOTTE	NC	28273-3376
163GA011	HUGHES TIMOTHY ROY		3403 WHITEVILLE RD NW	ASH	NC	28420-3809
1630001712	HUGHES TIMOTHY ROY		3403 WHITEVILLE RD NW	ASH	NC	28420-3809
16200025	PETCH RICHARD O		P O BOX 267	LONGWOOD	NC	28452
1620002604	RICHARD A ALVAREZ & TERI K ALVAREZ	LIVING TRUST	2559 CHRISTOPHER LN	ASH	NC	28420-3250
1630001716	GALLOWAY WILLIAM ETUX	GALLOWAY KAITLYN	5975 NEWMAN SMITH RD NW	ASH	NC	28420-3242
16300017	ASHTON FARMS LLC		115 N 3RD ST STE 300	WILMINGTON	NC	28401-4076
16300013	ASHTON FARMS LLC		115 N 3RD ST STE 300	WILMINGTON	NC	28401-4076
16300015	ASHTON FARMS LLC		115 N 3RD ST STE 300	WILMINGTON	NC	28401-4076
16300010	BRUNSWICK TIMBER LLC		PO BOX 1288	MOBILE	AL	36633-1288
1790000501	DIAL DEWANDA ETALS	C/O GAFTIE MARLOW JR	1600 N OAK ST UNIT 532	ARLINGTON	VA	22209-2751

OWNER(S)

PARCEL ID	NAME	NAME 2	ADDRESS	CITY	STATE	ZIP
16300009	74 HOLDINGS LLC	FREEMAN SANDRA	2038 OLEANDER DR	WILMINGTON	NC	28403
16300008	MLH LLC		2038 OLEANDER DR	WILMINGTON	NC	28403
16300014	ASHTON FARMS LLC		2038 OLEANDER DR	WILMINGTON	NC	28403

APPLICANT(S)

PARCEL ID	NAME	NAME 2	ADDRESS	CITY	STATE	ZIP
	DON HARLEY JR.	ASHTON FARMS, LLC	1430 COMMONWEALTH DR STE 102	WILMINGTON	NC	28403



REZONING APPLICATION

<i>For Office Use Only</i>	
Rezoning Case Z- <u>864</u>	Invoice # <u>SS 8672</u>
Date Received <u>2-10-23</u>	
Northwest Jurisdiction <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

Brunswick County Planning • PO Box 249, Bolivia, NC 28422 • Phone: (910) 253-2025/1-800-621-0609 • Fax: (910) 253-2437
 Complete the following application. This form must be completely filled out. Incomplete applications will result in a delay of this application and slow down the rezoning process.

APPLICANT INFORMATION (This person will be the contact person and will receive all mailings)	
Applicant Name(s): <u>DON HARLEY JR. (AGENT)</u> <u>ASHTON FARMS, LLC</u>	
Mailing Address: <u>1430 COMMONWEALTH DR. STE 102, WILMINGTON, NC 28403</u>	
Phone: <u>(910) 262-3148</u>	Email: <u>DON.HARLEY@CBESUNCOAST.COM</u>
PROPERTY OWNER INFORMATION (If different from above)	
Owner Name(s): <u>ASHTON FARMS, LLC</u> <u>MLH, LLC</u> <u>74 HOLDINGS, LLC</u>	
Mailing Address: <u>2038 OLEANDER DR, WILMINGTON, NC 28403</u>	
Phone: <u>(910) 540-8058</u>	Email: <u>BOBJO58@AOL.COM</u>
PROPERTY INFORMATION	
Property Address and/or Description of Location: <u>THREE PARCELS LOCATED IN THE COUNTY'S JURISDICTION JUST OUTSIDE OF ASH, NC</u>	
Parcel Tax ID #(s): <u>#163 000 14</u> <u>#163 000 09</u> <u>#163 000 08</u>	Total Site Acreage: <u>#163 000 14 - 120 AC</u> <u>#163 000 09 - 17.62 AC</u> <u>#163 000 08 - 128.47 AC</u> <u>TOTAL AC : 266.09</u>
Current Zoning District(s): <u>RR</u>	Proposed Zoning District(s): <u>R-7500</u>
Conditional Zoning Request <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<i>Conditional Zoning have additional submittal requirements such as Conceptual Site Plan, Proposed Conditions, Proposed Uses, and the holding of a neighborhood meeting. Please include the additional information as an attachment to this application.</i>	
NOTE: If multiple parcels are being proposed for rezoning then write "see attached" and attach the list of the parcels. Make sure to include the Tax Parcel ID #, owner name(s)/address, and acreage information.	

STATEMENT OF REASONABLENESS

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

THIS REZONING REQUEST IS REASONABLE BECAUSE IT WILL ALLOW THE ZONING TO MATCH THE ADJACENT PROPERTY WHILE STILL BEING CONSISTENT WITH THE LAND USE PLAN.

LAND USE COMPATIBILITY

Future Land Use Map Classification: LOW DENSITY RESIDENTIAL

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

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

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

APPLICANT/OWNER SIGNATURE

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

Applicant Signature: [Signature]

Date: 2/1/2023

Owner Signature: [Signature]

Date: 2/1/23

Owner Signature: _____

Date: _____

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

Brunswick County Jurisdiction Fees

- | | | |
|--|---|---|
| <input type="checkbox"/> <1.0 acres (\$350) | <input type="checkbox"/> 1.0 to <5 acres (\$400) | <input type="checkbox"/> 5.0 to <25 acres (\$450) |
| <input type="checkbox"/> 25 to <50 acres (\$600) | <input checked="" type="checkbox"/> 50+ acres (\$1,200) | <input type="checkbox"/> Conditional Zoning (Add \$200) |

City of Northwest Jurisdiction Fees

- | | | |
|--|--|---|
| <input type="checkbox"/> <1.0 acres (\$1,650) | <input type="checkbox"/> 1.0 to <5 acres (\$1,760) | <input type="checkbox"/> 5.0 to <25 acres (\$1,870) |
| <input type="checkbox"/> 25 to <50 acres (\$2,090) | <input type="checkbox"/> 50+ acres (\$2,200) | <input type="checkbox"/> Conditional Zoning (Add \$550) |

Please note that any continuance request after initial advertising will incur and additional \$500 fee for Brunswick County Jurisdiction and \$550 for City of Northwest Jurisdiction.



REZONING STAFF REPORT

Prepared by Ron Meredith, Project Planner
Rezoning Case#: Z-865
April 10, 2023

APPLICATION SUMMARY

The applicant, Brian Howard, requests to rezone Tax Parcels 1850002203 from R-6000 (High Density Residential) to C-LD (Commercial-Low Density). This rezoning request is conventional; therefore, no conditions or site plans are proposed. All owners and adjacent owners have been notified via first-class mail.

Location
Off Southport-Supply Road SE (NC 211)
Near Southport, NC

Tax Parcel
1850002203

Current Zoning
R-6000 (High Density Residential)

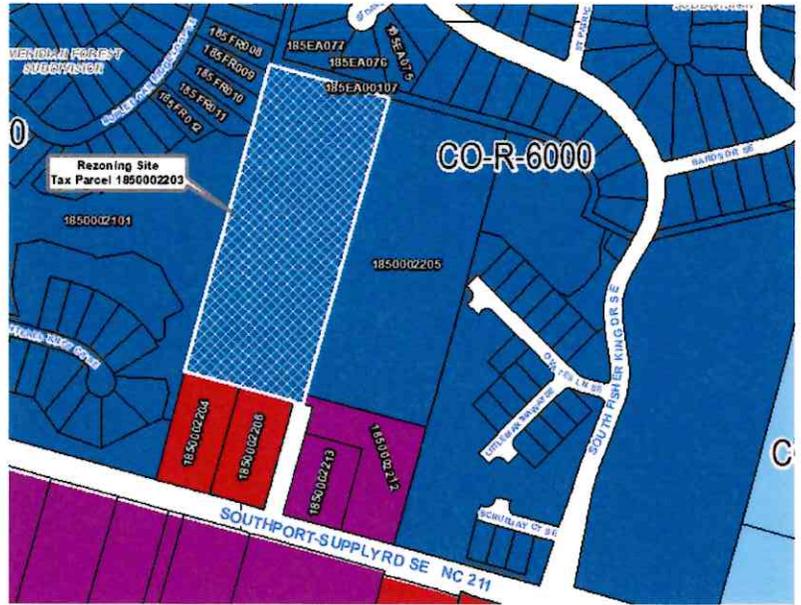
Proposed Zoning
C-LD (Commercial-Low Density)

Surrounding Zoning
R-6000 (High Density Residential) and
C-LD (Commercial-Low Density)

Current Use
Vacant Lands

Surrounding Land Uses
Residential, Agricultural Commercial, and
Vacant Lands

Size 7.87 ACRES



SITE CONSIDERATIONS

Zoning History:

- Case# Z-397, a portion of the subject parcel was rezoned from RU (Rural) to CLD (Commercial-Low Density) on 7.24.2004.
- Case# Z-470, a portion of the subject parcel was rezoned from RU (Rural) to R-6000 (Medium Density Residential) on 3.9.2006.

Buffers: If rezoned to C-LD (Commercial-Low Density), all uses will require a 0.4 opaque buffer adjacent to R-6000 (High-Density Residential) if vacant and 0.6 opaque if developed.

Street Yard Buffers: A 20-foot Street Yard Buffer may be required depending on the design of any future development.

Utilities: Water and wastewater is available from Brunswick County Utilities. Utility connections will require developer responsibility to connect to the water and wastewater systems.

Schools: Virginia Williamson Elementary School, Cedar Grove Middle School, and South Brunswick High School have adequate capacity.

CIP Projects in Area: New Early College High School (FY 2022) and Lockwood Folly Park Facilities (FY 2024).

Traffic: There are no capacity deficiencies for this section of Southport -Supply Road SE (NC 211).

NCDOT Road Improvement Projects in Area: State Transportation Improvement Project (R-5947) currently under construction, roadway widening from Sunset Harbor Road SE (SR 1112) to Midway Road (NC 906), and the Southport-Supply Road SE (NC 211) interchange with US HWY 17

Environmental Impacts:

- No portions of the site lay within a Flood Hazard Zone.
- Biodiversity & Wildlife Habitat Assessment Score: Portions of the site score a 1-7 out of 10 due to potential wetlands and Relative Conservation Value on the site.
- The requested parcel (1850002203) is located within a half mile of a Voluntary Agricultural District property.

ANALYSIS

"C-LD (Commercial-Low Density) this is intended primarily to be used in outlying areas, adjacent to major thoroughfares, with yards and other provisions for reducing conflicts with adjacent residential uses, and with substantial setbacks to reduce marginal friction on adjacent major thoroughfares. Commercial uses in this District will serve the needs of residential neighborhoods for auto-dependent commercial facilities; and serve the needs of highway-oriented tourist business."

CAMA CORE Land Use Plan Classification:

The rezoning application was submitted under the Brunswick County CAMA Core Land Use Plan. The applicant's proposal is NOT consistent with LDR (Low Density Residential) land use classification requiring a Land Use Amendment (LUM-865) proposed from LDR (Low-Density Residential) to commercial specified in the plan. Subsequently, the Blueprint Brunswick 2040 Plan has been approved since the time of submittal. The applicant's proposal is generally consistent with Medium Density Residential-Mixed place type as designated in the Blueprint Brunswick 2040 Plan Future Land Use Plan Map, therefore not requiring a Land Use Amendment.

Staff Recommendation SUMMARY

Staff recommends Approval TO C-LD (Commercial-Low Density) with the Land Use Amendment for Tax Parcels 1850002203 based upon information provided, surrounding area, current uses, the Brunswick County CAMA CORE Land Use Plan, BLUEPRINT BRUNSWICK 2040 PLAN, and other adopted Brunswick County plans and policies.

CONSISTENCY STATEMENT

FOR BRUNSWICK COUNTY PLANNING BOARD

ZONING AMENDMENT DESCRIPTION: Z-865 (R-16⁰⁰⁰ to C-LD)



**THE BRUNSWICK COUNTY PLANNING BOARD HEREBY ORDER, on the basis of
be all the foregoing, that the UNIFIED DEVELOPMENT ORDINANCE ZONING AMENDMENT**

APPROVED – CONSISTENT WITH COMPREHENSIVE PLAN

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

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

APPROVED – NOT CONSISTENT WITH COMPREHENSIVE PLAN

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

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

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

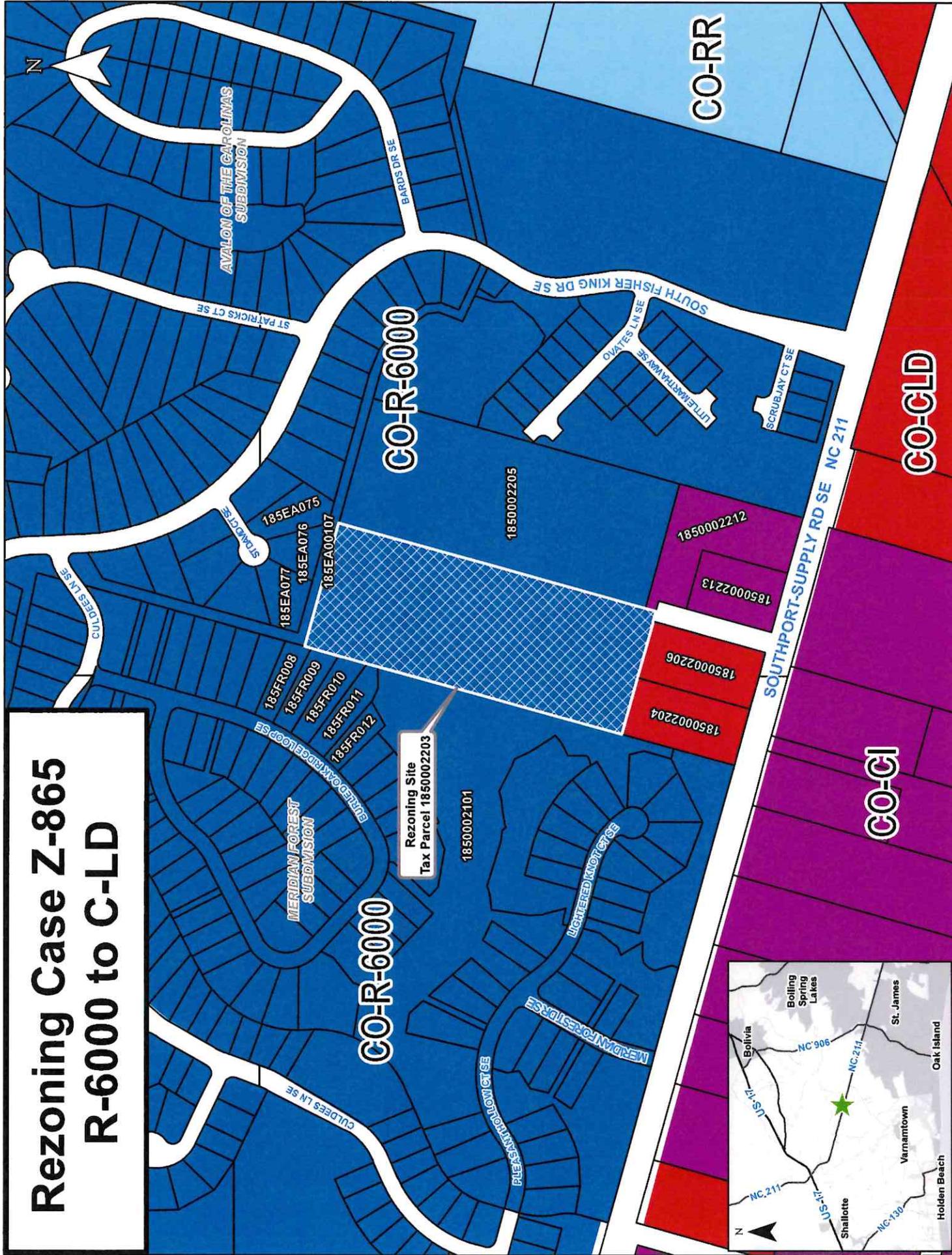
DENIED – INCONSISTENT WITH COMPREHENSIVE PLAN

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

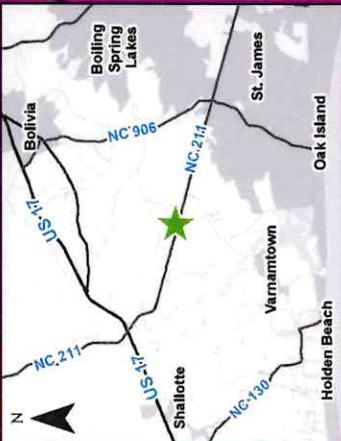
TABLED

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

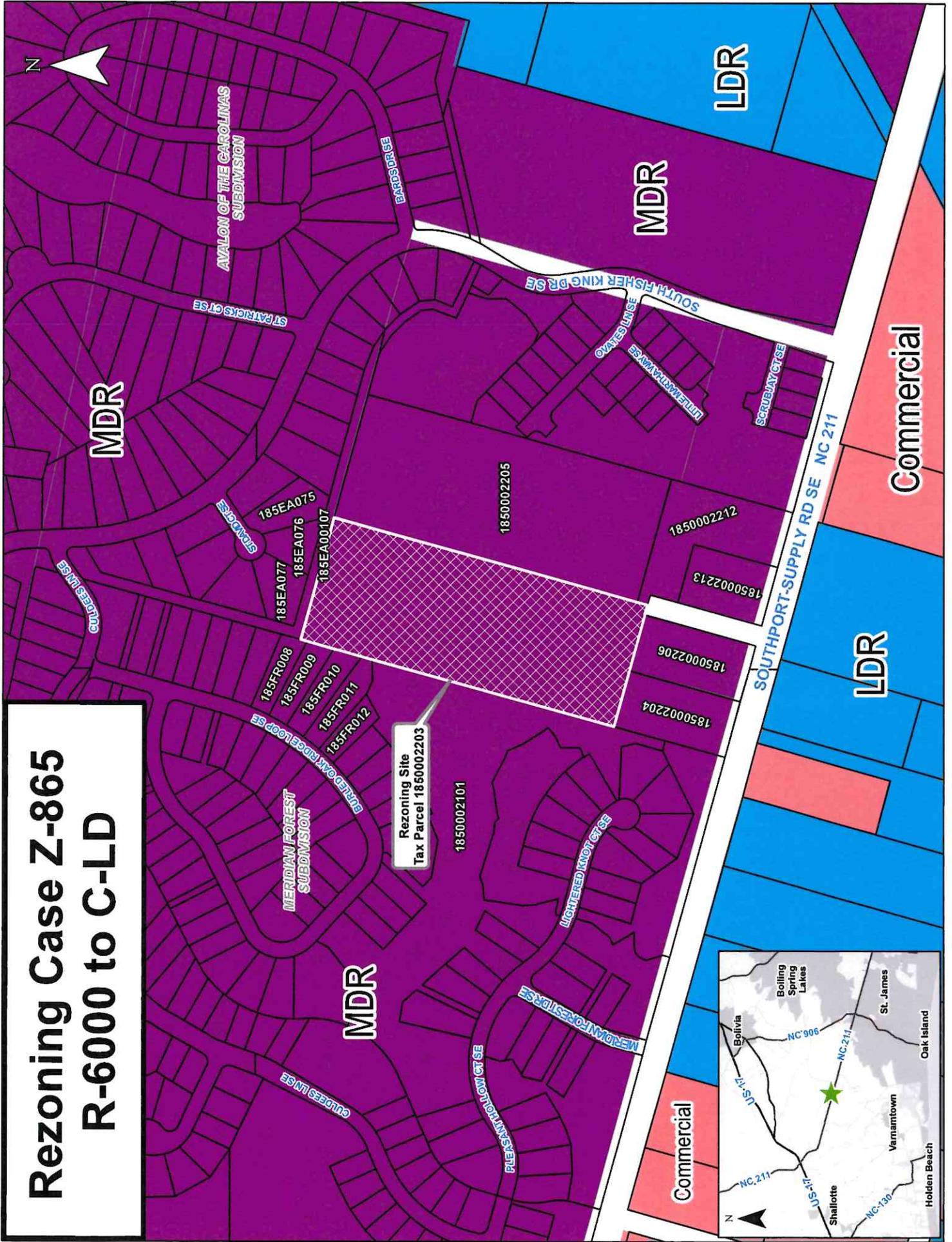
Rezoning Case Z-865 R-6000 to C-LD



Rezoning Site
Tax Parcel 1850002203



Rezoning Case Z-865 R-6000 to C-LD



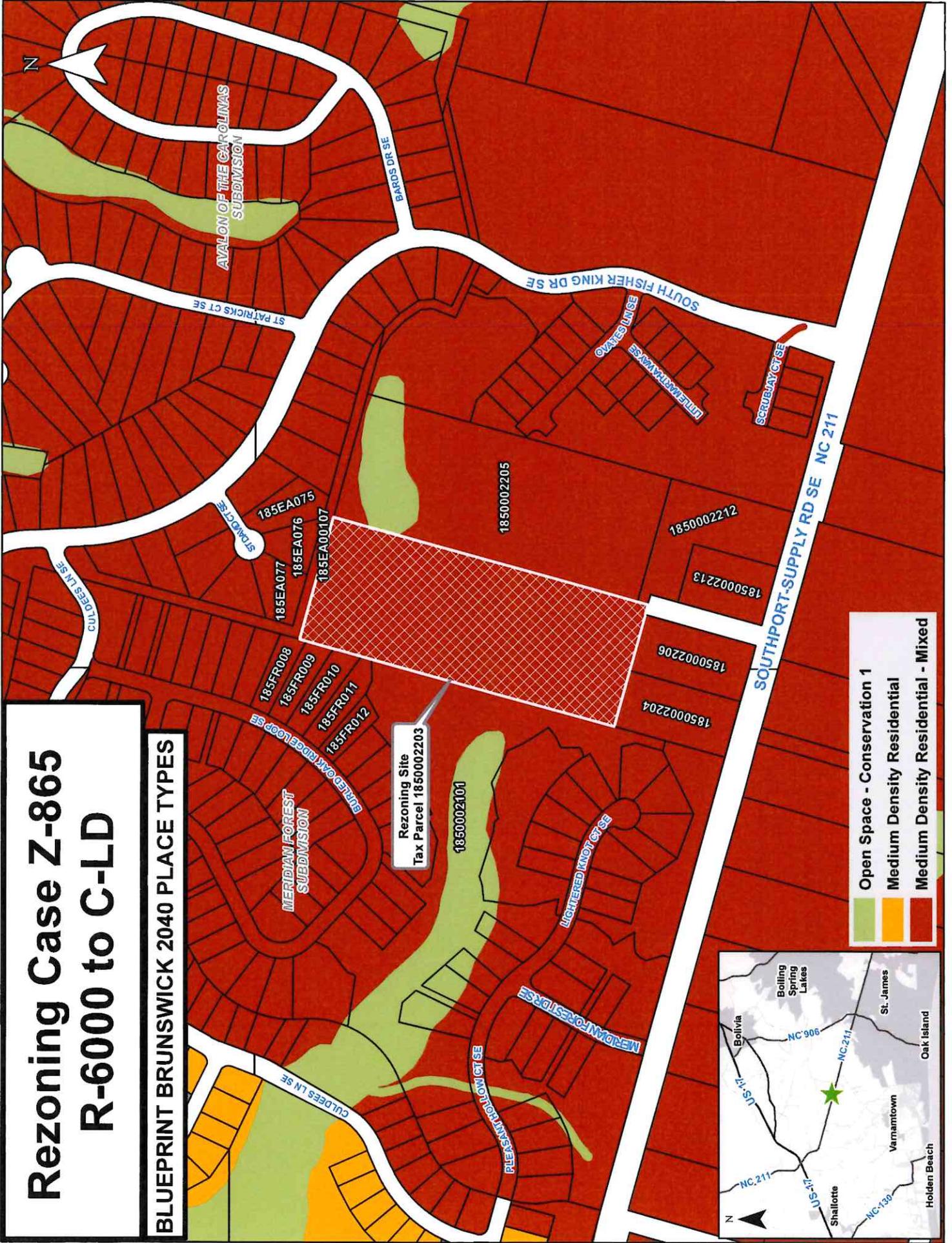
Rezoning Site
Tax Parcel 1850002203

N

N

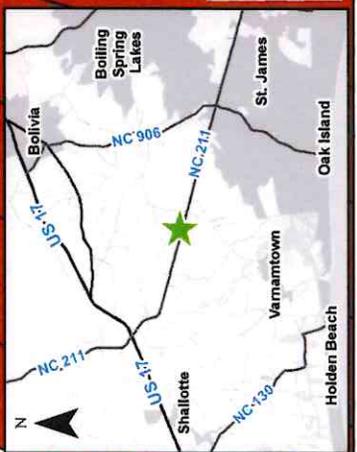
Rezoning Case Z-865 R-6000 to C-LD

BLUEPRINT BRUNSWICK 2040 PLACE TYPES



Rezoning Site
Tax Parcel 1850002203

- Open Space - Conservation 1
- Medium Density Residential
- Medium Density Residential - Mixed



CASE Z-865

ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME 1	NAME 2	ADDRESS	CITY	STATE	ZIP
185EA077	MCCLELLAND DAVID ETUX	MCCLELLAND LINDSEY	1771 ST DAVID COURT	BOLIVIA	NC	28422
185EA076	HOYER CHARLES R SR ETUX	HOYER REBECCA	1773 ST DAVID COURT SE	BOLIVIA	NC	28422
1850002204	BRASWELL GEORGE KENWOOD ETUX	BRASWELL ASHLEY	915 E LEONARD ST	SOUTHPORT	NC	28461-3105
1850002101	ACQUISITION HOLDINGS LLC		PO BOX 749	WRITSVILLE BCH	NC	28480-0749
1850002213	BRODSKY STUART ETUX	BRODSKY LINDA	157 PINE LAKE CIR SW	OCEAN ISL BCH	NC	28469-7303
185EA00107	AVALON SOUTH OWNERS ASSOCIATION	C/O PREMIER MANAGEMENT	PO BOX 34212	CHARLOTTE	NC	28234-4212
185FR008	CROWE LORI ANN		1030 BURLED OAK RIDGE LOOP SE	BOLIVIA	NC	28422-0700
185FR010	PRELICH DONALD ETUX	CHECK HA PHAM	1038 BURLED OAK RIDGE LOOP SE	BOLIVIA	NC	28422-0700
185FR009	HATCHER MARK A ETUX	HATCHER MARTHA C	1034 BURLED OAK RIDGE LOOP SE	BOLIVIA	NC	28422-0700
185FR011	DUARTE JOSE R AND	DUARTE ISAUARA A	1042 BURLED OAK RIDGE LOOP SE	BOLIVIA	NC	28422-0700
185FR012	WESSELLS JOHN S JR AND	WESSELLS GAIL M	1046 BURLED OAK RIDGE LOOP SE	BOLIVIA	NC	28422-0700
1850002206	ECH PROPERTIES LLC		1808 GLEN EAGLES LN	WILMINGTON	NC	28405-6200
1850002205	BRUNSWICK FARMER & FLEA MARKET LLC		1132 PRINCETON DR	WILMINGTON	NC	28403-2529
1850002212	BRUNSWICK FARMER & FLEA MARKET LLC		1132 PRINCETON DR	WILMINGTON	NC	28403-2529
185EA075	1777 SAINT DAVID COURT LLC		5228 US HIGHWAY 421 N	WILMINGTON	NC	28401-2252

OWNER(S)

PARCEL ID	NAME	NAME 2	ADDRESS	CITY	STATE	ZIP
1850002203	HOWARD BRIAN K		1259 ELF CT	RIO RICO	AZ	85648-3646

APPLICANT(S)

PARCEL ID	NAME	NAME 2	ADDRESS	CITY	STATE	ZIP
	HOWARD BRIAN K		1259 ELF CT	RIO RICO	AZ	85648-3646



REZONING APPLICATION

For Office Use Only

Rezoning Case Z- 865 Invoice # 558680
 Date Received 2-10-23

Northwest Jurisdiction YES NO

Brunswick County Planning • PO Box 249, Bolivia, NC 28422 • Phone: (910) 253-2025/1-800-621-0609 • Fax: (910) 253-2437

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

APPLICANT INFORMATION (This person will be the contact person and will receive all mailings)	
Applicant Name(s): <u>BRIAN R. HOWARD</u>	
Mailing Address: <u>1259 ELF CT</u> <u>RIO RICO, AZ 85648-3646</u>	
Phone: <u>520-470-7151</u>	Email: <u>brianh76@yahoo.com</u>
PROPERTY OWNER INFORMATION (If different from above)	
Owner Name(s): <u>SAME</u>	
Mailing Address: <u>SAME</u>	
Phone: <u>SAME</u>	Email: <u>SAME</u>
PROPERTY INFORMATION	
Property Address and/or Description of Location: <u>7.87 AC DB PL 743-1082 NC 211</u> <u>ADJACENT TO 1726 SOUTHPORT-SUPPLY RD SE, BOLIVIA, NC 28422</u>	
Parcel Tax ID #(s): <u>1850002203</u>	Total Site Acreage: <u>7.87</u>
Current Zoning District(s): <u>RR R-6000 RM</u>	Proposed Zoning District(s): <u>CLD</u>
Conditional Zoning Request <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<i>Conditional Zoning have additional submittal requirements such as Conceptual Site Plan, Proposed Conditions, Proposed Uses, and the holding of a neighborhood meeting. Please include the additional information as an attachment to this application.</i>	
NOTE: If multiple parcels are being proposed for rezoning then write "see attached" and attach the list of the parcels. Make sure to include the Tax Parcel ID #, owner name(s)/address, and acreage information.	

STATEMENT OF REASONABLENESS

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

SUBJECT PARCEL SHARES PROPERTY LINES WITH TWO PARCELS THAT ARE ZONED AS COMMERCIAL-LOW DENSITY AND IS IN THE IMMEDIATE VICINITY OF AT LEAST SIX PARCELS THAT ARE ZONED AS COMMERCIAL-INTENSIVE

LAND USE COMPATIBILITY

Future Land Use Map Classification: MEDIUM-DENSITY RESIDENTIAL

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

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

SINCE THE LAST TIME THAT THE FUTURE LAND USE MAP WAS UPDATED (NOVEMBER OF 2012), THE AREAS IN CLOSE PROXIMITY TO THE SUBJECT PARCEL HAVE SLOWLY BEEN REZONED TO COMMERCIAL-LOW DENSITY OR COMMERCIAL-INTENSIVE. IT APPEARS THAT A COMMERCIAL NODE HAS BEEN EVOLVING WITH THE SUPPORT OF NEARBY COMMUNITIES WHICH COULD BENEFIT FROM THE CONVENIENCE OF MORE READILY ACCESSIBLE GOODS AND SERVICES AFFORDED BY THESE CHANGES.

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

APPLICANT/OWNER SIGNATURE

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

Applicant Signature: Brian K. Howard

Date: 1-26-2023

Owner Signature: _____

Date: _____

Owner Signature: _____

Date: _____

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

Brunswick County Jurisdiction Fees

- <1.0 acres (\$350)
- 1.0 to <5 acres (\$400)
- 5.0 to <25 acres (\$450)
- 25 to <50 acres (\$600)
- 50+ acres (\$1,200)
- Conditional Zoning (Add \$200)

City of Northwest Jurisdiction Fees

- <1.0 acres (\$1,650)
- 1.0 to <5 acres (\$1,760)
- 5.0 to <25 acres (\$1,870)
- 25 to <50 acres (\$2,090)
- 50+ acres (\$2,200)
- Conditional Zoning (Add \$550)

Please note that any continuance request after initial advertising will incur and additional \$500 fee for Brunswick County Jurisdiction and \$550 for City of Northwest Jurisdiction.

**BRUNSWICK COUNTY
STAFF REPORT AND RECOMMENDATION**

Application No. PD-99
Applicant: Norris and Tunstall Engineering
Project Name: Long Farm Planned Development
Property Location: Ash-Little River Road (SR 1300)
Parcel Numbers: 20900031
Zoning District: RR (Rural Residential)

RR Density Maximum – 2.9 Dwelling Units per Acre

“The Rural Low Density Residential District is intended to accommodate nonresidential agricultural uses and low density residential development, as well as limited nonresidential uses that are supportive of the County’s traditional agricultural orientation including farming, silviculture operations and related activities. Development in this District should rely predominantly on individual wells and septic tank systems for domestic water supply and sewage disposal, respectively, although clustered residential development served by public water and wastewater systems may be allowed. Zoning History: This property was rezoned in 2007 from Rural (RU) to RR as a result of the mass rezonings with the Unified Development Ordinance adoption.”

Surrounding Zoning **North:** RR
South: RR
East: RR
West: RR

Proposed Use: Long Farm is a proposed planned development to consist of 49 single family lots on 17.0 acres, creating an overall density of 2.88 dwelling units per acre.

Approval Criteria

- The majority of surrounding uses consists of single family residential and vacant land.
- The Blueprint Brunswick Future Land Use Map denotes this area as Low Density Residential.
- Parking will be off street with a minimum of 2 driveway parking spaces per lot.
- Proposed infrastructure:
 1. **Water** and **Sewer** will be provided by Brunswick County.
 2. **Roads** will be private.
- The proposed development will have a 30-foot, 0.6 opacity peripheral buffer using existing vegetation to satisfy the requirement. Supplemental landscaping will be installed where necessary.
- The required open space for the development is approximately 2.55 acres. The developer is proposing 4.44 acres of dedicated open space. The developer is also proposing 1.85 acres of recreation space of which 0.38 acres are required.
- The proposed project will generate approximately 468 vehicle trips per 24-hour weekday volume. A driveway permit from NCDOT will be required prior to the recording of the individual lots.

- The Exceptional Design elements to be included in the project are as follows:
 1. The developer is proposing 4.44 acres of open space where as 2.55 acres are required.
 2. The developer is proposing 1.85 acres of recreation space where as 0.38 acres are required.
 3. The stormwater system will be constructed to the 100-year storm event.
- The design flexibility elements requested for the project are as follows:
 1. Reduction in lot dimensions.
 2. Reduction in setbacks.
- Portions of the site are in an AE flood zone. All of the property located in the AE Zone will be located in open space.
- Adjacent property owners were notified via US mail and a notification sign was posted on the subject property.
- A neighborhood meeting was held on March 21, 2023.
- TRC was held on March 1, 2023.

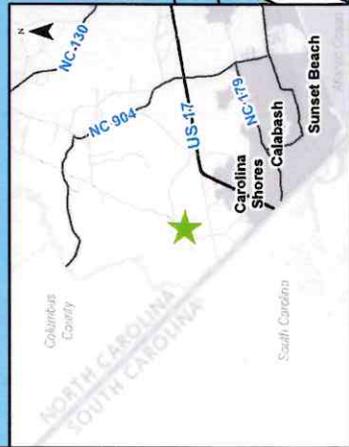
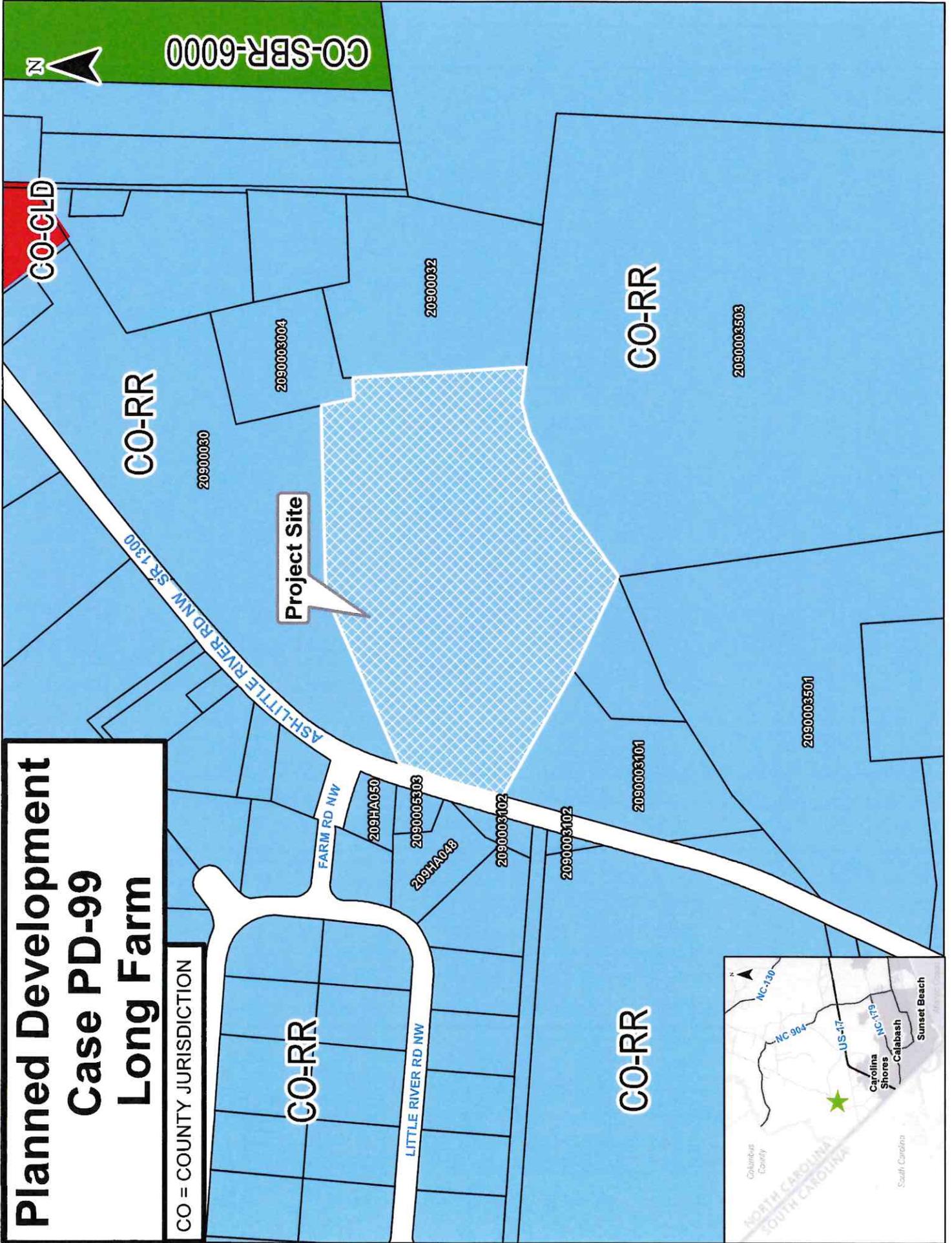
If approved, this development shall have a vested right for a period of three years. A two-year extension may be requested by the applicant to the Brunswick County Planning Department.

Staff recommends approval based on the following conditions:

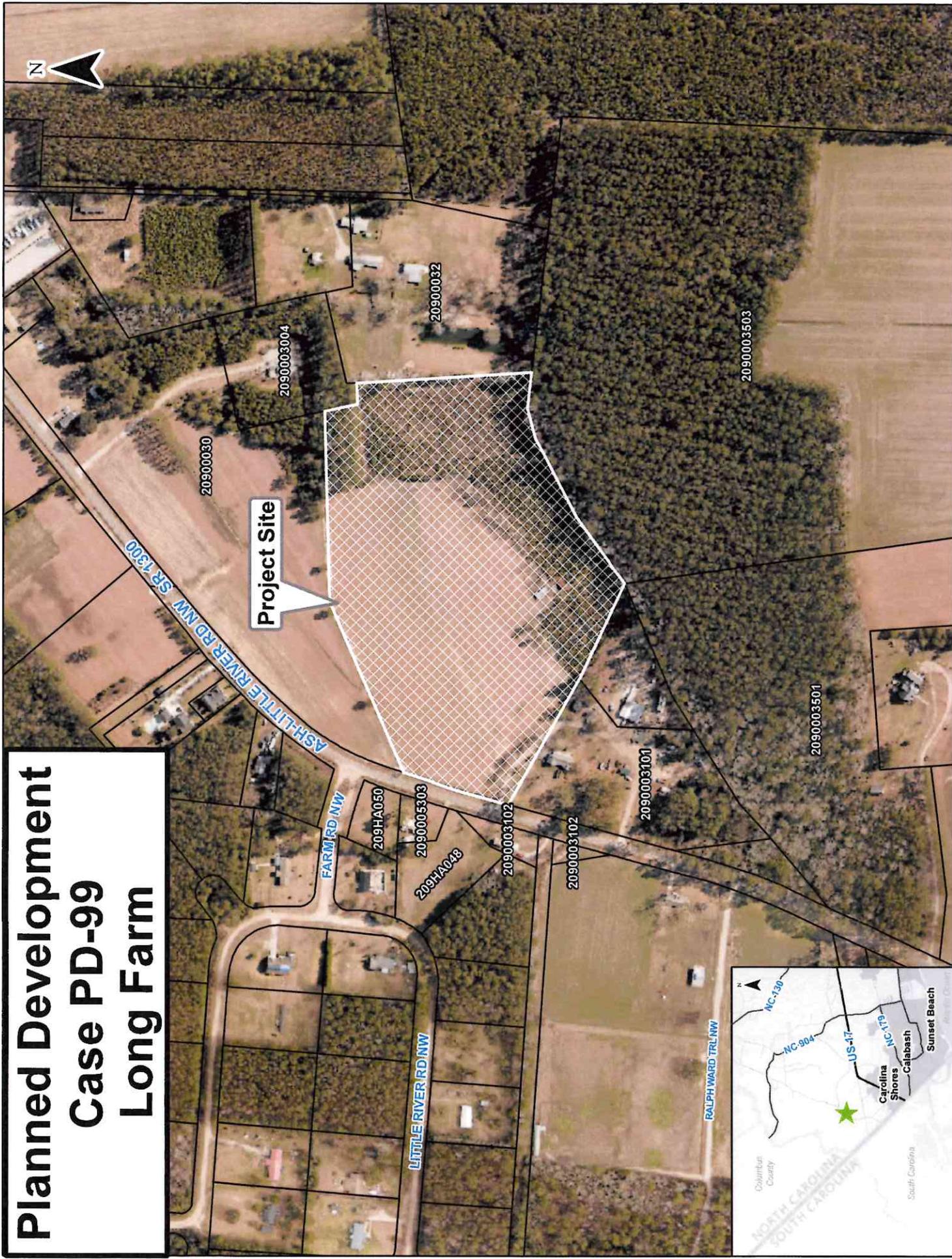
1. That the development shall proceed in conformity with all plans and design features submitted as part of the planned development application and kept on file by the Brunswick County Planning Department.
2. That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
3. Planned Development approval does not constitute an authorization to construct. All applicable Federal, State and County approvals/permits will be necessary to obtain final plat approvals and building permits. This includes Stormwater, Utilities, and Fire Marshal requirements.
4. Show pavement to the PD boundary on the stub out between lots 11 and 12.

Planned Development Case PD-99 Long Farm

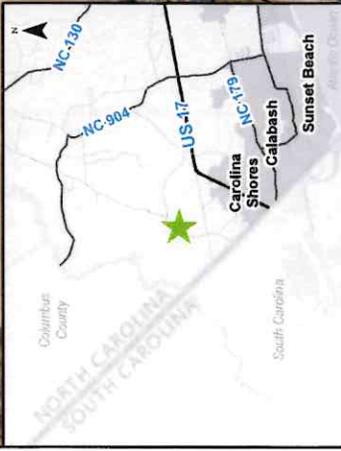
CO = COUNTY JURISDICTION



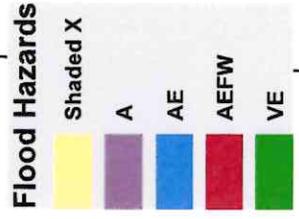
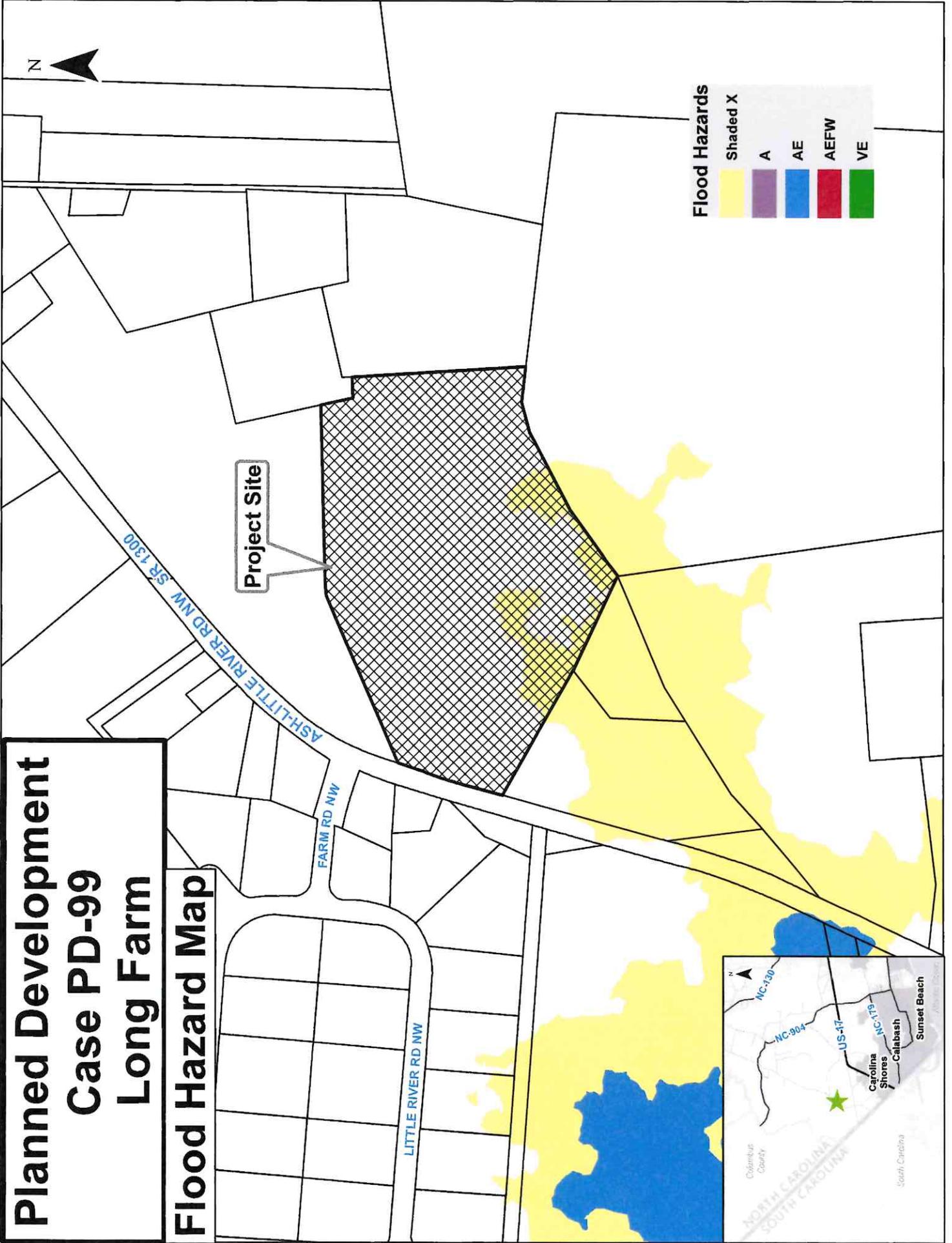
Planned Development Case PD-99 Long Farm



Project Site



Planned Development Case PD-99 Long Farm Flood Hazard Map





Planned Development (PD)

Application and Checklist

Fee: \$500 (Brunswick County Jurisdiction)
\$880 (City of Northwest Jurisdiction)

Brunswick County Planning Dept. 910-253-2025

For Office Use Only

File # PD-100 Invoice # 559535

Date Received: 2/10/23

Northwest Jurisdiction YES NO

This application is a request to construct a Planned Development consistent with a submitted master site plan that identifies permitted land uses, densities, building setbacks, heights, lot layout, buffers, off-street parking and street widths. This application should only be used if the proposed development is requesting flexibility in zoning requirements in order to achieve a development as an alternative to a conventional zoning design standards. Please reference Section 4.3.1. of the Unified Development Ordinance (UDO) for requirements regarding Planned Developments (PD's).

Please fill out form completely, supplying all necessary information and documentation to support your request.

Property Owner	Name <u>William E. Bellamy, Jr.</u> Phone <u>1-910-443-1811</u>
	Address <u>P.O. Box 2109</u> Fax _____
	City, St, Zip <u>Shallotte, NC 28459</u> Email <u>bbellamy@atmc.net</u>

Applicant or Representative	Name <u>Norris & Tunstall</u> Phone <u>910-287-5900</u>
	Att: <u>J. Phillip Norris</u> Fax _____
	Address <u>1429 Ash-Little River Rd.</u> Email <u>pnorris@ntengineers.com</u>
City, St, Zip <u>Ash, NC 28420</u>	

Property Information	Address <u>Hickman Road</u>	Project Information	Project Name <u>Eye Pint Townhomes</u>
	Tax Parcel(s) <u>208000010 & 2240000604</u>		Modification or Expansion Of Existing PD? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Acreage <u>65.88</u>		Single Family Acres <u>0</u> Lots <u>0</u>
	Current Zoning <u>10.5 AC R-7500</u> <u>55.38 AC RR</u>		Multi-Family Acres <u>65.88</u> Units <u>220</u>
Public Utilities Available? Water <u>YES</u> Sewer <u>YES</u>	Commercial Acres <u>0</u>		

Authorization	Property Owner Signature <u>William E. Bellamy Jr</u> Date <u>2-6-23</u>
	Applicant/Representative Signature <u>J. Phillip Norris</u> Date <u>2/6/2023</u>

Please submit three folded copies and one electronic copy of the site plan with application.



BRUNSWICK COUNTY PLANNING DEPARTMENT

75 Government Drive, Building I • P.O. Box 249 • Bolivia, NC 28422

www.brunswickcountync.gov/planning • (910)253-2025

March 9, 2023

Norris and Tunstall Engineering
1429 Ash-Little River Rd.
Ash, NC 28420

**RE: Long Farm Planned Development
File # PD-99**

Dear Mr. Norris,

The Technical Review Committee (TRC) at their March 8, 2023 meeting reviewed the preliminary plans for the above referenced project.

Please find below comments with regards to the review of the project.

Comments from Planning:

Marc Pages – 910-253-2056 – marc.pages@brunswickcountync.gov

- The 1.33 acre existing commercial lot cannot be included as part of the PD because it is not accessible to the PD. Please remove and adjust the density and site data accordingly.
- Because the density/lot count has to be lowered, it is recommended to make lot 34 recreation space or park.
- Please provide a stub out to the property to the north.
- Please relocate the location of the mail kiosk to a more accessible location.
- Please note that a neighborhood meeting is encouraged per UDO Section 9.2.

Comments from Stormwater

Brigit Flora – 910-253-2405 – brigit.flora@brunswickcountync.gov

- State and County Stormwater Permits will be required.
- A State Erosion Control Permit is required before any land disturbance including clearing and/or grading occurs.
- Due to flooding concerns in this area, the stormwater control measures must be designed to control up to the 100-year 24-hour storm to pre-development conditions. This requirement is already included in the Notes.

Comments from Engineering

Amy Aycock – 910-253-2047 – amy.aycock@brunswickcountync.gov

- Existing 12" watermain available for connection on Ash-Little River Rd
- Existing 8" high pressure sewer forcemain available for connection on Ash-Little River Rd
- Plans propose to connect water and sewer system to the Norris Farm Subdivision which is going through plan review at this time. As long as Norris Farm is built, certified, has been Substantially Completed and Deed of Dedication/Affidavit have



BRUNSWICK COUNTY PLANNING DEPARTMENT

75 Government Drive, Building I • P.O. Box 249 • Bolivia, NC 28422

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been approved – the utilities for Long Farm can connect with a dedicated utility easement shown between Norris Farm lots 139/140.

- Plans show 8" watermain to connect to the existing 12" watermain on Ash-Little River Road – an NCODT Encroachment would be required for this connection.
- Proposed 8" watermain and 8" gravity sewer mains in Norris Farm Subd with a pump station to address the flows for Norris Farm Subd & Long Farm.
- If needed, can construct a pump station for this development and connect to forcemain on Ash-Little River Rd If connecting to Norris Farm

Comments from Fire Code Official

Joe Oliver – 910-676-4392 – joseph.oliver@brunswickcountync.gov

- Will need development permit for access roads and fire hydrants.
- Will need to determine fire flow requirements and witness hydrant flow.
- General Comments:
 1. Need to apply for a fire development permit.
<https://www.brunswickcountync.gov/code-administration/permits/> . Select Fire Application and complete all applicable fields. And upload civil/utility plans.
 2. Need to provide a site utility plan indicating the locations of all fire hydrants. Need to show a fire hydrant at the entrances and then every 800' feet thereafter, 400 feet from any commercial structure, and 100 feet from any FDC. Will need Hydraulic calculations. Hydrants are to be in place and have water before combustible construction materials are placed on site.
 3. Need to review the "Development / Subdivision Fire approval Guidance document located at the following link.

<https://www.brunswickcountync.gov/fire-marshal/development-subdivision-fire-approval-process/>

- Final plat will require fire approval.
- Will need NFPA 291 form (Fire Hydrant Flow Test) for fire hydrant systems at time of field Fire inspection prior to final plat.

Please provide a digital set of revised plans to the Brunswick County Planning Department by 5:00 p.m. on March 17, 2023.

If you have any questions, please feel free to contact me.

Sincerely,

Marc A. Pages
Brunswick County Principal Planner

PD-99

ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME 1	NAME 2	ADDRESS	CITY	STATE	ZIP
209HA048	BLAKE GREGORY DALE		PO BOX 81	KINGSTON	ID	83839
2090003503	NORRIS JOHN PHILLIP ETUX	NORRIS SANDRA F	1424 ASH LITTLE RIVER RD NW	ASH	NC	28420-1714
2090005303	BLAKE HENRY W JR ETUX	BLAKE IMOGENE (LT)	1537 ASH LITTLE RIVER RD NW	ASH	NC	28420-1703
209HA050	BLAKE HENRY W JR ETUX	BLAKE IMOGENE (LT)	1537 ASH LITTLE RIVER RD NW	ASH	NC	28420-1703
2090003004	K2 TOWERS LLC	C/O PROPERTY TAX DEPT	PO BOX 723597	ATLANTA	GA	31139-0597
2090003501	NORRIS STEVE MARION		9750 FRANCES MARION LN	ASH	NC	28420-1722
20900030	ECKERT SYLVIA E		1616 ASH LITTLE RIVER RD NW	ASH	NC	28420-1700
2090003102	LEE THERESA AND	CANADY CHRISTOPHER W	4195 PIGOTT RD SW	SHALLOTTE	NC	28470-5588
20900032	SIMMONS LARRY WADE SR ET	SIMMONS JUDY	6296 PARKER ST SW	OCEAN ISL BCH	NC	28469-4748
2090003101	KIMIRY V LONG REV TRUST THE		1516 ASH LITTLE RIVER RD NW	ASH	NC	28420-1702

OWNER(S)

PARCEL ID	NAME	NAME 2	ADDRESS	CITY	STATE	ZIP
20900031	LONG WILDA H (LT)	C/O KIMIRY V LONG	1516 ASH LITTLE RIVER RD NW	ASH	NC	28420-1702

APPLICANT(S)

PARCEL ID	NAME	NAME 2	ADDRESS	CITY	STATE	ZIP
	J. PHILLIP NORRIS, P.E.	NORRIS & TUNSTALL CONSULTING ENGINEERS, P.C.	1429 ASH-LITTLE RIVER RD NW	ASH	NC	28420

**BRUNSWICK COUNTY
STAFF REPORT AND RECOMMENDATION**

Application No. PD-100

Applicant: Norris and Tunstall Engineering

Project Name: Rye Pint Townhomes Planned Development

Property Location: Hickman Road (SR 1303)

Parcel Numbers: 20800010 & 2240000604

Zoning District: R-7500 (Medium Density Residential) and RR (Rural Residential)

R-7500 Density Maximum – 5.8 Dwelling Units per Acre
RR Density Maximum – 2.9 Dwelling Units per Acre

“The R-7500, R-6000, and SBR-6000 districts are established to provide for orderly suburban residential development. A limited number of commercial and civic uses are allowed, subject to the restrictions necessary to preserve and protect the residential character of the neighborhood. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities. Due to the higher intensity developments contained in this district, it is intended to be applied to properties served by public sewer and water systems.”

“The Rural Low Density Residential District is intended to accommodate nonresidential agricultural uses and low density residential development, as well as limited nonresidential uses that are supportive of the County’s traditional agricultural orientation including farming, silviculture operations and related activities. Development in this District should rely predominantly on individual wells and septic tank systems for domestic water supply and sewage disposal, respectively, although clustered residential development served by public water and wastewater systems may be allowed. Zoning History: This property was rezoned in 2007 from Rural (RU) to RR as a result of the mass rezonings with the Unified Development Ordinance adoption.”

Surrounding Zoning **North:** RR
South: R-7500
East: RR and R-7500
West: RR and R-7500

Proposed Use: Rye Pint Townhomes is a proposed planned development to consist of 176 townhomes on 65.88 acres, creating an overall density of 2.67 dwelling units per acre.

Approval Criteria

- The majority of surrounding uses consists of single family residential and vacant land.
- The Blueprint Brunswick Future Land Use Map denotes this area as Low Density Residential.
- Parking will be off street with a minimum of 2 driveway parking spaces per lot.
- Proposed infrastructure:
 1. **Water** and **Sewer** will be provided by Brunswick County.
 2. **Roads** will be private.
- The proposed development will have a 30-foot, 0.6 opacity peripheral buffer using existing vegetation to satisfy the requirement. Supplemental landscaping will be installed where necessary.

- The required open space for the development is approximately 10.4 acres. The developer is proposing 46.93 acres of dedicated open space. The developer is also proposing 2.84 acres of recreation space of which 1.56 acres are required.
- The proposed project will generate approximately 1,022 vehicle trips per 24-hour weekday volume. A driveway permit from NCDOT will be required prior to the recording of the individual lots.
- The Exceptional Design elements to be included in the project are as follows:
 1. The developer is proposing 46.93 acres of open space where as 10.4 acres are required.
 2. The developer is proposing 2.84 acres of recreation space where as 1.56 acres are required.
 3. All townhome units shall be located outside of the AE Flood Zone.
 4. The stormwater system will be constructed to the 100-year storm event.
- The design flexibility elements requested for the project are as follows:
 1. Reduction in lot dimensions.
 2. Reduction in setbacks.
- Portions of the site are in an AE flood zone. All of the property located in the AE Zone will be located in open space.
- Adjacent property owners were notified via US mail and a notification sign was posted on the subject property.
- A neighborhood meeting was held on March 23, 2023.
- TRC was held on March 1, 2023.

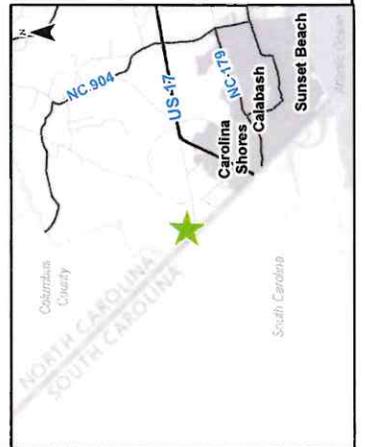
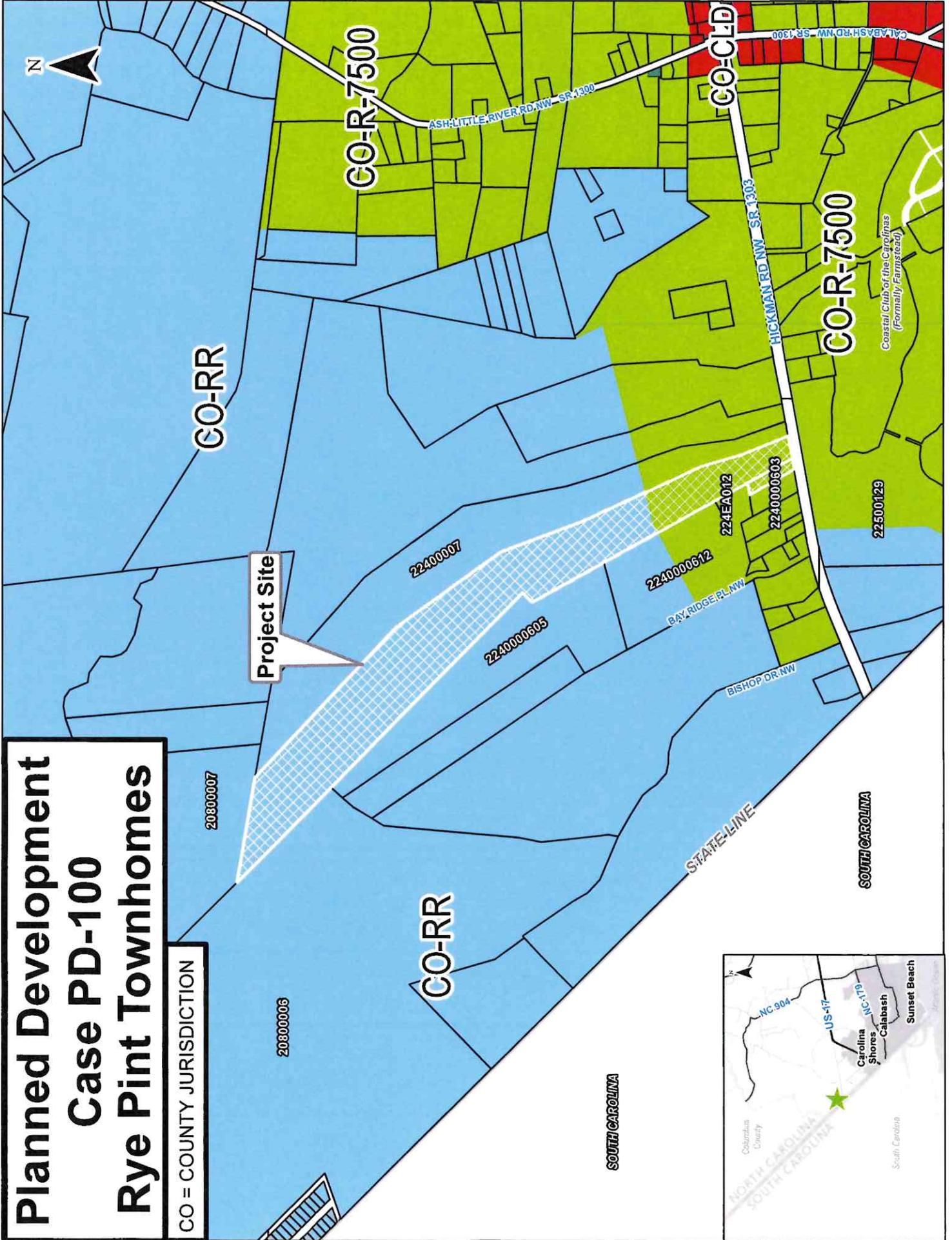
If approved, this development shall have a vested right for a period of three years. A two-year extension may be requested by the applicant to the Brunswick County Planning Department.

Staff recommends approval based on the following conditions:

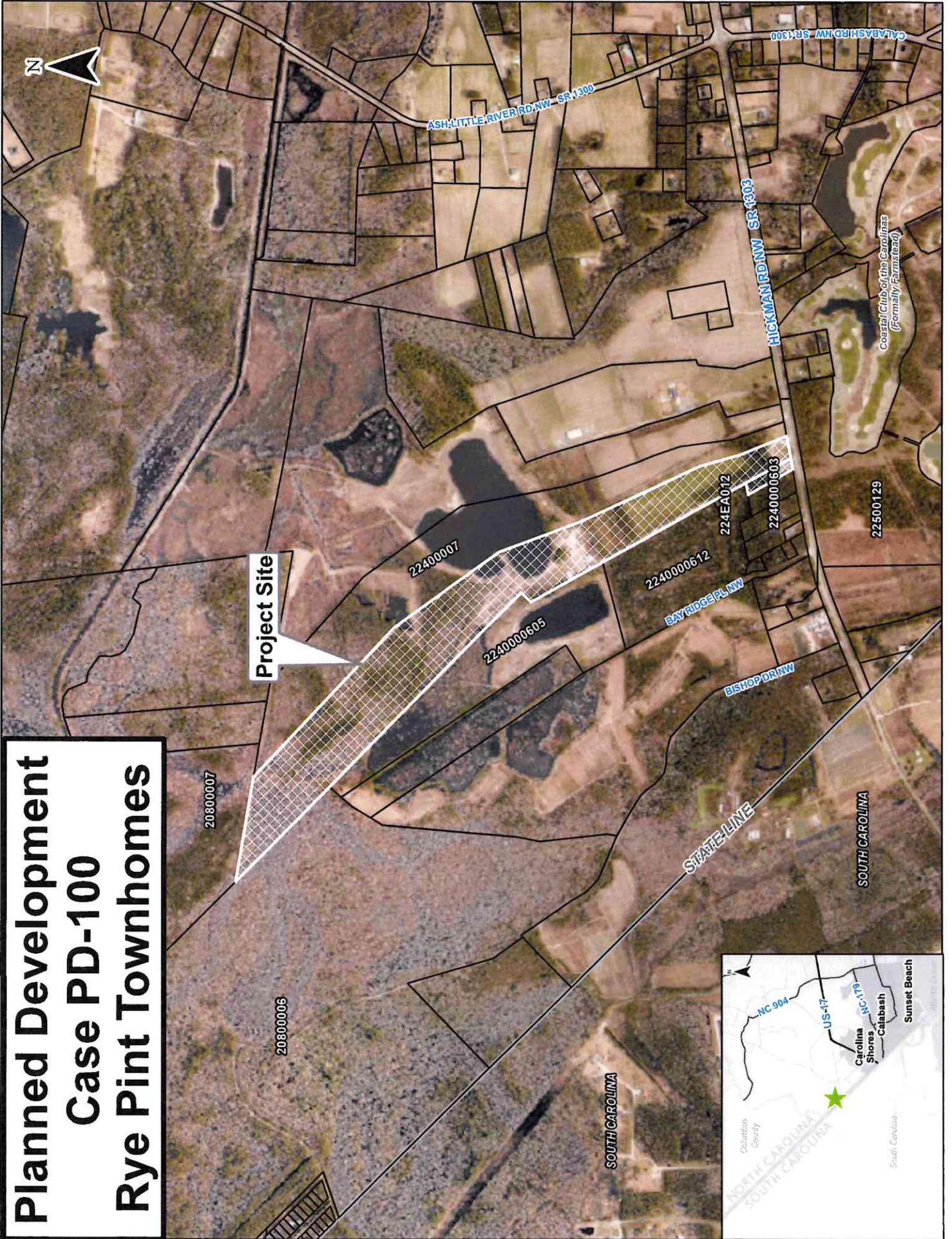
1. That the development shall proceed in conformity with all plans and design features submitted as part of the planned development application and kept on file by the Brunswick County Planning Department.
2. That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
3. Planned Development approval does not constitute an authorization to construct. All applicable Federal, State and County approvals/permits will be necessary to obtain final plat approvals and building permits. This includes Stormwater, Utilities, and Fire Marshal requirements.
4. Revise the open space calculations to reflect the split zoning on the properties.

Planned Development Case PD-100 Rye Pint Townhomes

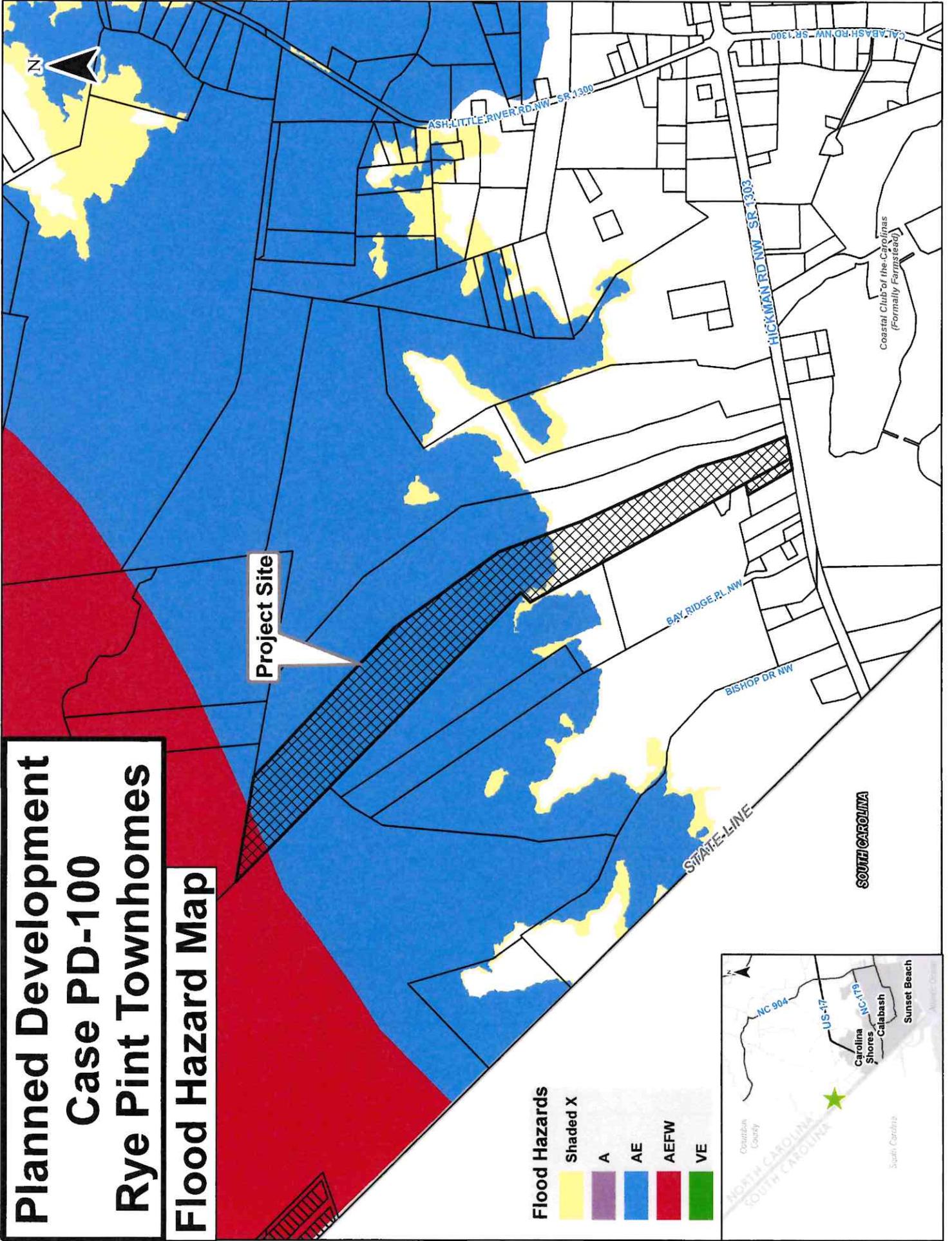
CO = COUNTY JURISDICTION

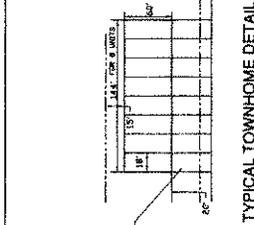
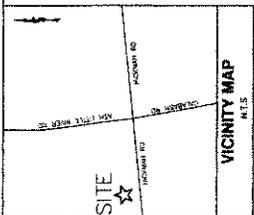


Planned Development Case PD-100 Rye Pint Townhomes



Planned Development Case PD-100 Rye Pint Townhomes Flood Hazard Map





TYPICAL TOWNHOME DETAIL

SYMBOL	DATE	DESCRIPTION
1		REVISION
2		REVISION

OWNER:
 William B. Bedwin, Jr.
 P.O. Box 2159
 Sedgefield, NC 28459

HICKMAN ROAD
 AVE PINE TOWNHOMES
 BRUNSWICK COUNTY, NORTH CAROLINA

19061-5
 License #E-1041
 200 POND GATE DR, SUITE 100
 FLEMING, NC 27531
 PHONE: 919 733 7200
 FAX: 919 733 2800

CONSULTING ENGINEERS P.C.
 NORRIS & TUNSTALL

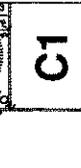
OWNER:
 William B. Bedwin, Jr.
 P.O. Box 2159
 Sedgefield, NC 28459

HICKMAN ROAD
 AVE PINE TOWNHOMES
 BRUNSWICK COUNTY, NORTH CAROLINA

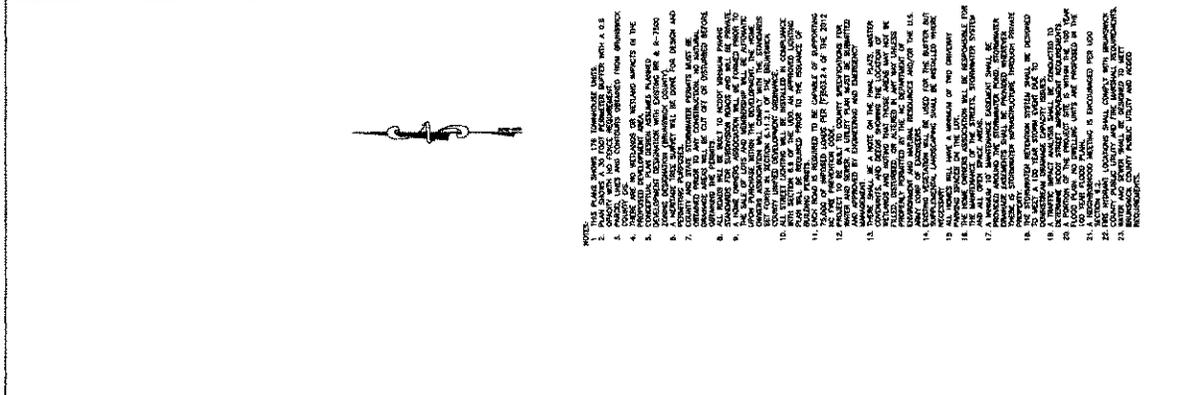
19061-5
 License #E-1041
 200 POND GATE DR, SUITE 100
 FLEMING, NC 27531
 PHONE: 919 733 7200
 FAX: 919 733 2800

CONSULTING ENGINEERS P.C.
 NORRIS & TUNSTALL

DATE: 03/15/13
 DRAWN BY: EDB
 CHECKED BY: EDB
 PROJECT NO: 13061-5



SCALE: 1" = 300'



- NOTES:
1. THIS PLAN SHOWS THE TOWNHOME UNITS.
 2. ALL UNITS SHALL BE 1000 SQ FT MIN. A 0.5 ACRE TRACT WITH A 2000 SQ FT MIN. LOT AREA.
 3. ALL UNITS SHALL BE CONSIDERED UNDER ONE DEVELOPER.
 4. ALL UNITS SHALL BE CONSIDERED UNDER ONE DEVELOPER.
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 21. ALL UNITS SHALL BE CONSIDERED UNDER ONE DEVELOPER.
 22. ALL UNITS SHALL BE CONSIDERED UNDER ONE DEVELOPER.
 23. ALL UNITS SHALL BE CONSIDERED UNDER ONE DEVELOPER.

SITE DATA

PROPERTY & SUBDIVISION:
 2480731 37' 0" x 600' AC
 875' x 60' (300')

LOCAL OFFICIALS:
 105 (100' x 100' AC)
 105 (100' x 100' AC)
 105 (100' x 100' AC)

PREPARED BY:
 NORRIS & TUNSTALL

PROJECT NO:
 13061-5

DATE:
 03/15/13

SCALE:
 1" = 300'

PROJECT LOCATION:
 13061-5 (100' x 100' AC) (100' x 100' AC) (100' x 100' AC)

OWNER:
 WILLIAM B. BEDWIN, JR.

ADDRESS:
 2159 SEDGEFIELD RD

PROJECT NO:
 13061-5



TYPICAL STREET SECTION

19061-5
 License #E-1041
 200 POND GATE DR, SUITE 100
 FLEMING, NC 27531
 PHONE: 919 733 7200
 FAX: 919 733 2800

CONSULTING ENGINEERS P.C.
 NORRIS & TUNSTALL



Planned Development (PD)

Application and Checklist

Fee: \$500 (Brunswick County Jurisdiction)
\$880 (City of Northwest Jurisdiction)

Brunswick County Planning Dept. 910-253-2025

For Office Use Only	
File # _____	Invoice # _____
Date Received: _____	
Northwest Jurisdiction <input type="checkbox"/> YES <input type="checkbox"/> NO	

This application is a request to construct a Planned Development consistent with a submitted master site plan that identifies permitted land uses, densities, building setbacks, heights, lot layout, buffers, off-street parking and street widths. This application should only be used if the proposed development is requesting flexibility in zoning requirements in order to achieve a development as an alternative to a conventional zoning design standards. Please reference Section 4.3.1. of the Unified Development Ordinance (UDO) for requirements regarding Planned Developments (PD's).

Please fill out form completely, supplying all necessary information and documentation to support your request.

Property Owner	Name	William E. Bellamy, Jr.	Phone	1-910-443-1811
	Address	P.O. Box 2109	Fax	
	City, St, Zip	Shallotte, NC 28459	Email	bbellamy@atmc.net

Applicant or Representative	Name	Norris & Tunstall	Phone	910-287-5900
	Address	1429 Ash - Little River Rd.	Fax	
	City, St, Zip	Ash, NC 28420	Email	pnorris@ntengineers.com

Property Information	Address	Hickman Road
	Tax Parcel(s)	208000010 & 2240000604
	Acreage	65.88
	Current Zoning	10.5 AC R-7500 55.38 AC RR
Public Utilities Available?	Water YES Sewer YES	

Project Information	Project Name	Rye Pint Townhomes		
	Modification or Expansion Of Existing PD?	Yes <input type="radio"/> No <input checked="" type="radio"/>		
	Single Family Acres	0	Lots	0
	Multi-Family Acres	65.88	Units	220
Commercial Acres	0			

Authorization	Property Owner Signature		Date	2-6-23
	Applicant/Representative Signature		Date	2/6/2023

Please submit three folded copies and one electronic copy of the site plan with application.



BRUNSWICK COUNTY PLANNING DEPARTMENT

75 Government Drive, Building I • P.O. Box 249 • Bolivia, NC 28422

www.brunswickcountync.gov/planning • (910)253-2025

March 9, 2023

Norris and Tunstall Engineering
1429 Ash-Little River Rd.
Ash, NC 28420

**RE: Rye Pint Townhomes Planned Development
File # PD-100**

Dear Mr. Norris,

The Technical Review Committee (TRC) at their March 8, 2023 meeting reviewed the preliminary plans for the above referenced project.

Please find below comments with regards to the review of the project.

Comments from Planning:

Marc Pages – 910-253-2056 – marc.pages@brunswickcountync.gov

- Please label the large northern portion of the property as open/common space.
- Please note that the UDO allows a maximum of 8 townhome units per building. Please address.
- Please provide a form of traffic calming measure for the main road.
- Please indicate a mail kiosk location.
- Please label the area adjacent to the existing lake as recreation space.
- Please revise the townhome detail to show a 20' front setback.
- Please revise the townhome detail to show a minimum of 18' width for the driveway so it can accommodate 2 cars.
- Please include a corner side yard setback in the site data.
- Please revise note #5 to include the R-7500 zoning district.
- Please ensure driveway alignment with the Farmstead development across Hickman Road.
- Please note that a neighborhood meeting is encouraged per UDO Section 9.2.

Comments from Stormwater

Brigit Flora – 910-253-2405 – brigit.flora@brunswickcountync.gov

- State and County Stormwater Permits will be required.
- A State Erosion Control Permit is required before any land disturbance including clearing and/or grading occurs.
- Due to flooding concerns in this area, the stormwater control measures must be designed to control up to the 100-year 24-hour storm to pre-development conditions. This requirement is already included in the Notes.

Comments from Engineering

Amy Aycock – 910-253-2047 – amy.aycock@brunswickcountync.gov

- Existing 12" watermain on Hickman Road for connection.



BRUNSWICK COUNTY PLANNING DEPARTMENT

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- Closest sewer forcemain is an 8" on Ash-Little River Road that is available for connection (see pump station site on plan); can have on-site septic system.
- Parcel number should be 20800010 on Site Data.
- For townhomes sold Fee Simple each townhome must have its own water meter.
- For townhomes sold Fee Simple each townhome must have its own gravity sewer lateral.
- NCDOT Encroachment will be required (Primary/Secondary) for connection on Hickman Road/possibly Ash-Little River Road.

Comments from Fire Code Official

Joe Oliver – 910-676-4392 – joseph.oliver@brunswickcountync.gov

- Will need development permit for access roads and fire hydrants.
- Will need to determine fire flow requirements and witness hydrant flow.
- Please provide a halfway turnaround on the main road.
- General Comments:
 1. Need to apply for a fire development permit.
<https://www.brunswickcountync.gov/code-administration/permits/> . Select Fire Application and complete all applicable fields. And upload civil/utility plans.
 2. Need to provide a site utility plan indicating the locations of all fire hydrants. Need to show a fire hydrant at the entrances and then every 800' feet thereafter, 400 feet from any commercial structure, and 100 feet from any FDC. Will need Hydraulic calculations. Hydrants are to be in place and have water before combustible construction materials are placed on site.
 3. Need to review the "Development / Subdivision Fire approval Guidance document located at the following link.
<https://www.brunswickcountync.gov/fire-marshal/development-subdivision-fire-approval-process/>
- Final plat will require fire approval.
- Will need NFPA 291 form (Fire Hydrant Flow Test) for fire hydrant systems at time of field Fire inspection prior to final plat.

Please provide a digital set of revised plans to the Brunswick County Planning Department by 5:00 p.m. on March 17, 2023.

If you have any questions, please feel free to contact me.

Sincerely,

Marc A. Pages
Brunswick County Principal Planner

PD-100

ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME 1	NAME 2	ADDRESS	CITY	STATE	ZIP
20800006	BELAMY FAYE		1721 CENITH DR	N MYRTLE BEACH	SC	29582
2240000603	BELAMY NORWOOD		1800 BEACH DRIVE UNIT 32	GULFPORT	MS	39507
2240000612	BELAMY EDNA EARLE		P O BOX 131	LITTLE RIVER	SC	29566
22400007	BELAMY LAND LLC		1350 HICKMAN RD NW	CALABASH	NC	28467-1703
2240000605	BELAMY WILLIAM C ETUX	BELAMY PANDRA M	PO BOX 1380	LITTLE RIVER	SC	29566-1380
20800007	NORRIS JOHN PHILLIP		1424 ASH LITTLE RIVER RD NW	ASH	NC	28420-1714
22500129	CROSSROADS LAKE FRONT DEV INC	ATTN BENJY HARDEE	55 PARK STREET EXT	LITTLE RIVER	SC	29566-7818
224EA012	JAYNE JESSE AND	JAYNE FELICIA	PO BOX 10	GREEN SEA	SC	29545-0010

OWNER(S)

PARCEL ID	NAME	NAME 2	ADDRESS	CITY	STATE	ZIP
2240000604	BELAMY WILLIAM E		PO BOX 2169	SHALLOTTE	NC	28459
20800010	BELAMY WILLIAM E JR ETUX	BELAMY CHERYL K	P O BOX 2169	SHALLOTTE	NC	28459

APPLICANT(S)

PARCEL ID	NAME	NAME 2	ADDRESS	CITY	STATE	ZIP
	J. PHILLIP NORRIS, P.E.	NORRIS & TUNSTALL CONSULTING ENGINEERS, P.C.	1429 ASH-LITTLE RIVER RD NW	ASH	NC	28420

**BRUNSWICK COUNTY
STAFF REPORT AND RECOMMENDATION**

Application No. PD-101

Applicant: Norris and Tunstall Engineering

Project Name: Hickman Branch Townhomes Planned Development

Property Location: Hickman Road (SR 1303)

Parcel Numbers: 22400009, 2240000901, & 2240000902

Zoning District: R-7500 (Medium Density Residential) and RR (Rural Residential)

R-7500 Density Maximum – 5.8 Dwelling Units per Acre
RR Density Maximum – 2.9 Dwelling Units per Acre

“The R-7500, R-6000, and SBR-6000 districts are established to provide for orderly suburban residential development. A limited number of commercial and civic uses are allowed, subject to the restrictions necessary to preserve and protect the residential character of the neighborhood. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities. Due to the higher intensity developments contained in this district, it is intended to be applied to properties served by public sewer and water systems.”

“The Rural Low Density Residential District is intended to accommodate nonresidential agricultural uses and low density residential development, as well as limited nonresidential uses that are supportive of the County’s traditional agricultural orientation including farming, silviculture operations and related activities. Development in this District should rely predominantly on individual wells and septic tank systems for domestic water supply and sewage disposal, respectively, although clustered residential development served by public water and wastewater systems may be allowed. Zoning History: This property was rezoned in 2007 from Rural (RU) to RR as a result of the mass rezonings with the Unified Development Ordinance adoption.”

Surrounding Zoning **North:** RR
South: R-7500
East: RR and R-7500
West: RR and R-7500

Proposed Use: Hickman Branch Townhomes is a proposed planned development to consist of 316 townhomes on 70.82 acres, creating an overall density of 4.46 dwelling units per acre.

Approval Criteria

- The majority of surrounding uses consists of single family residential and vacant land.
- The Blueprint Brunswick Future Land Use Map denotes this area as Low Density Residential.
- Parking will be off street with a minimum of 2 driveway parking spaces per lot.
- Proposed infrastructure:
 1. **Water and Sewer** will be provided by Brunswick County.
 2. **Roads** will be private.
- The proposed development will have a 30-foot, 0.6 opacity peripheral buffer using existing vegetation to satisfy the requirement. Supplemental landscaping will be installed where necessary.

- The required open space for the development is approximately 12.54 acres. The developer is proposing 28.59 acres of dedicated open space. The developer is also proposing 4.66 acres of recreation space of which 1.88 acres are required.
- The proposed project will generate approximately 1,835 vehicle trips per 24-hour weekday volume. A driveway permit from NCDOT will be required prior to the recording of the individual lots.
- The Exceptional Design elements to be included in the project are as follows:
 1. The developer is proposing 28.59 acres of open space where as 12.54 acres are required.
 2. The developer is proposing 4.66 acres of recreation space where as 1.88 acres are required.
 3. All townhome units shall be located outside of the AE Flood Zone.
 4. The stormwater system will be constructed to the 100-year storm event.
- The design flexibility elements requested for the project are as follows:
 1. Reduction in lot dimensions.
 2. Reduction in setbacks.
- Portions of the site are in an AE flood zone. No residential units will be placed in the AE flood zone.
- Adjacent property owners were notified via US mail and a notification sign was posted on the subject property.
- A neighborhood meeting was held on March 23, 2023.
- TRC was held on March 1, 2023.

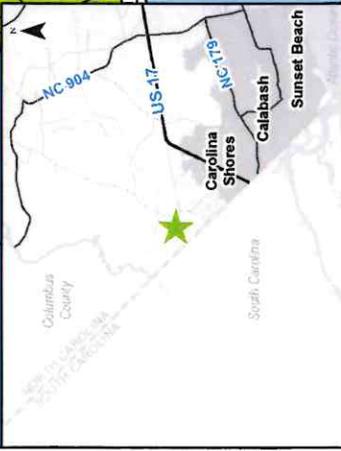
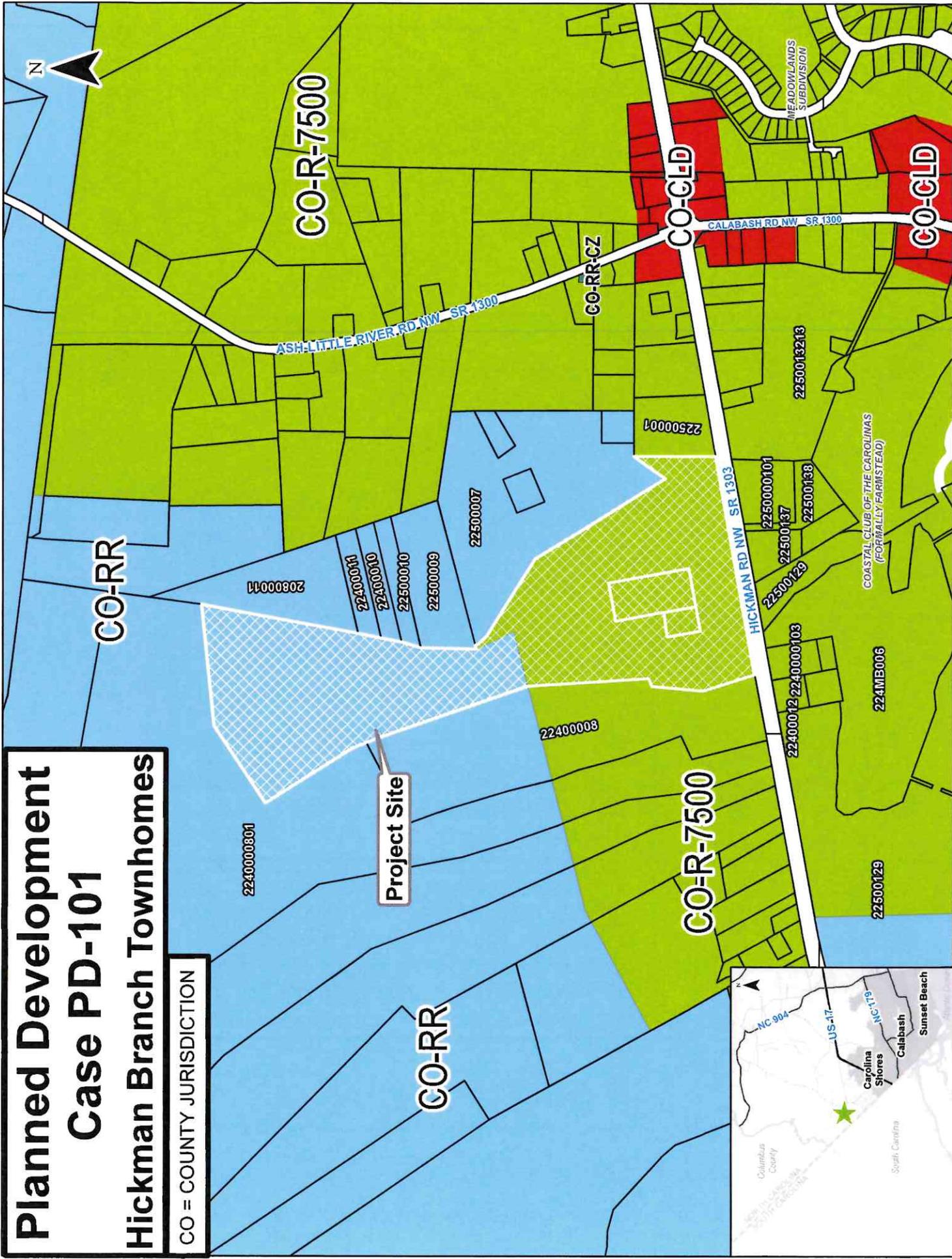
If approved, this development shall have a vested right for a period of three years. A two-year extension may be requested by the applicant to the Brunswick County Planning Department.

Staff recommends approval based on the following conditions:

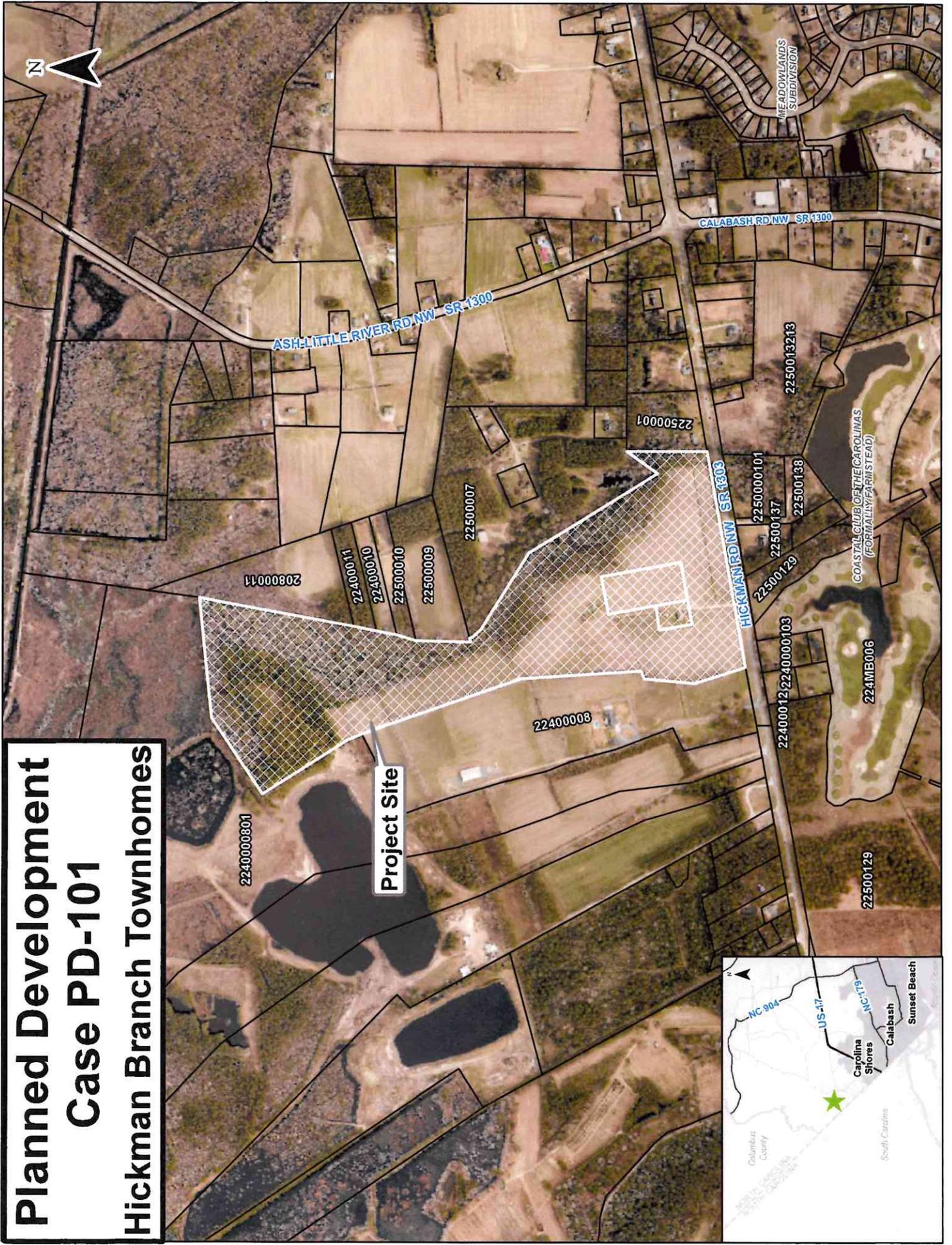
1. That the development shall proceed in conformity with all plans and design features submitted as part of the planned development application and kept on file by the Brunswick County Planning Department.
2. That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
3. Planned Development approval does not constitute an authorization to construct. All applicable Federal, State and County approvals/permits will be necessary to obtain final plat approvals and building permits. This includes Stormwater, Utilities, and Fire Marshal requirements.
4. Revise the open space calculations to reflect the split zoning on the properties.

Planned Development Case PD-101 Hickman Branch Townhomes

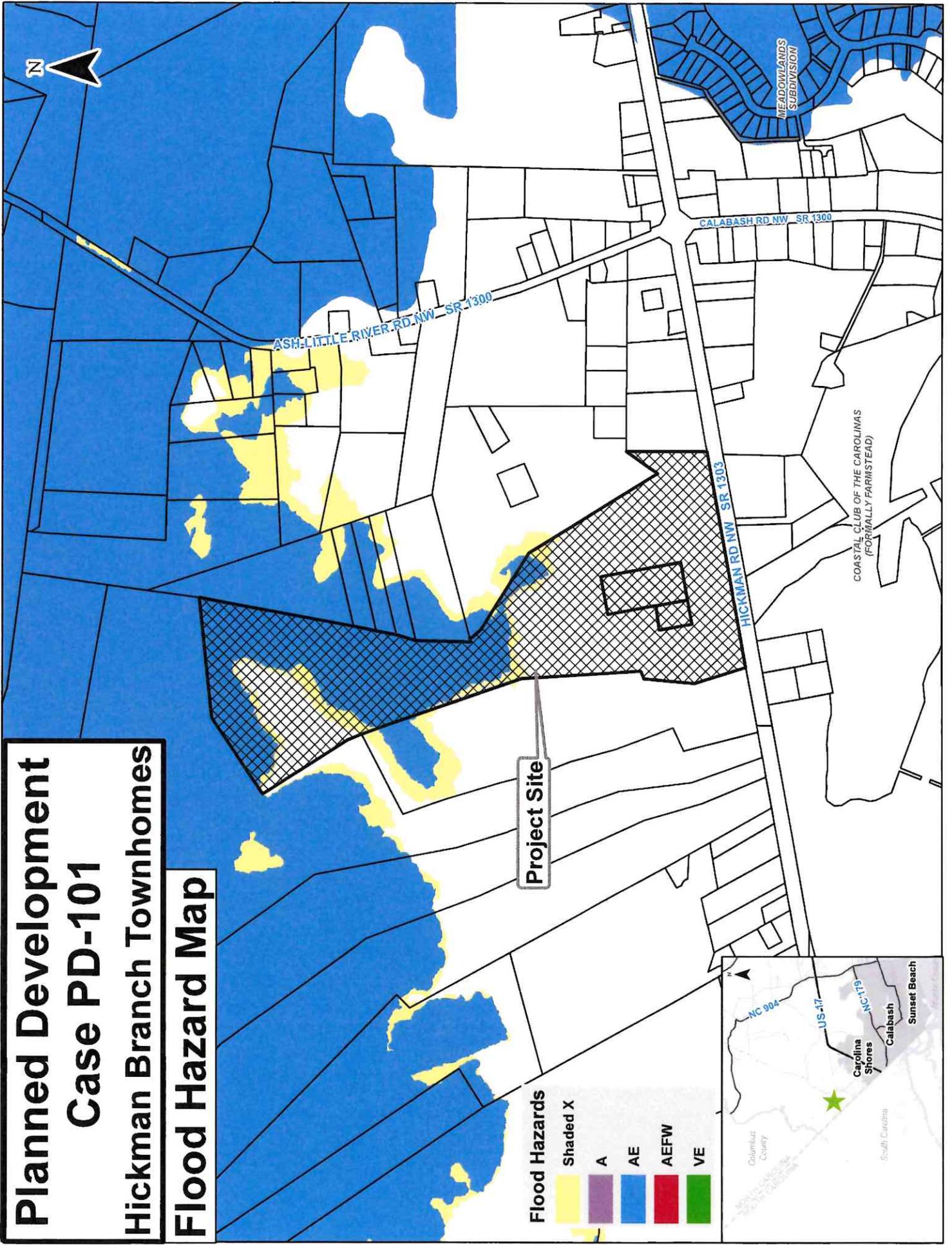
CO = COUNTY JURISDICTION



Planned Development Case PD-101 Hickman Branch Townhomes



Planned Development Case PD-101 Hickman Branch Townhomes Flood Hazard Map





Planned Development (PD)

Application and Checklist
Fee: \$500 (Brunswick County Jurisdiction)
\$880 (City of Northwest Jurisdiction)
 Brunswick County Planning Dept. 910-253-2025

For Office Use Only	
File # _____	Invoice # _____
Date Received: _____	
Northwest Jurisdiction <input type="checkbox"/> YES <input type="checkbox"/> NO	

This application is a request to construct a Planned Development consistent with a submitted master site plan that identifies permitted land uses, densities, building setbacks, heights, lot layout, buffers, off-street parking and street widths. This application should only be used if the proposed development is requesting flexibility in zoning requirements in order to achieve a development as an alternative to a conventional zoning design standards. Please reference Section 4.3.1. of the Unified Development Ordinance (UDO) for requirements regarding Planned Developments (PD's).

Please fill out form completely, supplying all necessary information and documentation to support your request.

Property Owner	Name <i>Bellamy Family Farm, LLC</i> Phone <i>1-843-855-1570</i>
	Attn: <i>Martina Bellamy</i>
	Address <i>950 Pea Landing Road</i> Fax _____
	City, St, Zip <i>Ash, NC 28420</i> Email _____

Applicant or Representative	Name <i>Norris & Tunstall</i> Phone <i>910-287-5900</i>
	Attn: <i>Phil Norris</i>
	Address <i>1424 Ash - Little River Rd.</i> Fax _____
	City, St, Zip <i>Ash, NC 28420</i> Email <i>pnorris@ntengineers.com</i>

Property Information	Address _____
	Tax Parcel(s) <i>22400009, 2240000902, and 2240000901</i>
	Acreage <i>70.82</i>
	Current Zoning <i>R-7500 38.5 AC</i> <i>RR 32.32 AC</i>
	Public Utilities Available? Water <i>YES</i> Sewer <i>YES</i>

Project Information	Project Name <i>Hickman Branch Townhomes</i>
	Modification or Expansion Of Existing PD? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Single Family Acres <i>0</i> Lots <i>0</i>
	Multi-Family Acres <i>70.82</i> Units <i>316</i>
	Commercial Acres <i>0</i>

Authorization	Property Owner Signature <i>A. Martina Bellamy</i> Date <i>2-9-23</i>
	Applicant/Representative Signature <i>J. P. [Signature]</i> Date <i>2/9/2023</i>

Please submit three folded copies and one electronic copy of the site plan with application.



BRUNSWICK COUNTY PLANNING DEPARTMENT

75 Government Drive, Building J • P.O. Box 249 • Bolivia, NC 28422

www.brunswickcountync.gov/planning • (910)253-2025

March 9, 2023

Norris and Tunstall Engineering
1429 Ash-Little River Rd.
Ash, NC 28420

**RE: Hickman Branch Townhomes Planned Development
File # PD-101**

Dear Mr. Norris,

The Technical Review Committee (TRC) at their March 8, 2023 meeting reviewed the preliminary plans for the above referenced project.

Please find below comments with regards to the review of the project.

Comments from Planning:

Marc Pages – 910-253-2056 – marc.pages@brunswickcountync.gov

- Please note that the eastern entrance on Hickman Road will be a gated emergency entrance.
- Please provide a stub out to the property to the west.
- Please indicate a mail kiosk location.
- Please label indicate the acreage for the park and amenity area
- Please revise the townhome detail to show a 20' front setback.
- Please revise the townhome detail to show a minimum of 18' width for the driveway so it can accommodate 2 cars.
- Please include a corner side yard setback in the site data.
- Please revise note #5 to include the R-7500 zoning district.
- Please note the street buffer width along Hickman Road.
- Please note that a neighborhood meeting is encouraged per UDO Section 9.2.

Comments from Stormwater

Brigit Flora – 910-253-2405 – brigit.flora@brunswickcountync.gov

- State and County Stormwater Permits will be required.
- A State Erosion Control Permit is required before any land disturbance including clearing and/or grading occurs.
- Due to flooding concerns in this area, the stormwater control measures must be designed to control up to the 100-year 24-hour storm to pre-development conditions. This requirement is already included in the Notes.

Comments from Engineering

Amy Aycock – 910-253-2047 – amy.aycock@brunswickcountync.gov

- Existing 12" watermain on Hickman Road for connection.
- Closest sewer forcemain is an 8" on Ash-Little River Road that is available for connection (see pump station site on plan); can have on-site septic system.



BRUNSWICK COUNTY PLANNING DEPARTMENT

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- For townhomes sold Fee Simple each townhome must have its own water meter.
- For townhomes sold Fee Simple each townhome must have its own gravity sewer latera.l
- NCDOT Encroachment will be required (Primary/Secondary) for connection on Hickman Road/possibly Ash-Little River Road.

Comments from Fire Code Official

Joe Oliver – 910-676-4392 – joseph.oliver@brunswickcountync.gov

- Will need development permit for access roads and fire hydrants.
- Will need to determine fire flow requirements and witness hydrant flow.
- General Comments:
 1. Need to apply for a fire development permit.
<https://www.brunswickcountync.gov/code-administration/permits/> . Select Fire Application and complete all applicable fields. And upload civil/utility plans.
 2. Need to provide a site utility plan indicating the locations of all fire hydrants. Need to show a fire hydrant at the entrances and then every 800' feet thereafter,400 feet from any commercial structure, and 100 'feet from any FDC. Will need Hydraulic calculations. Hydrants are to be in place and have water before combustible construction materials are placed on site.
 3. Need to review the "Development / Subdivision Fire approval Guidance document located at the following link.

<https://www.brunswickcountync.gov/fire-marshal/development-subdivision-fire-approval-process/>

- Final plat will require fire approval.
- Will need NFPA 291 form (Fire Hydrant Flow Test) for fire hydrant systems at time of field Fire inspection prior to final plat.

Please provide a digital set of revised plans to the Brunswick County Planning Department by 5:00 p.m. on March 17, 2023.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Marc A. Pages".

Marc A. Pages
Brunswick County Principal Planner

PD-101

ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME 1	NAME 2	ADDRESS	CITY	STATE	ZIP
22400012	GORE PHILLIP S		1349 HICKMAN RD NW	CALABASH	NC	28467
22400010	THOMAS JACKIE		1404 ASH-LITTLE RIVER RD	ASH	NC	28420
22500010	DIXON WILLIAM A		8199 GRIFFIN ST NW	ASH	NC	28420
20800011	HEWETT JANET TODD		5713 LANCASHIRE CT	RALEIGH	NC	27606
22500001	HICKMAN F DONALD		4436 REGENT DR	WILMINGTON	NC	28412
22500138	BELLAMY JOSEPH K JR		1265 HICKMAN ROAD	CALABASH	NC	28467
2240009801	BELLAMY LAND LLC		1350 HICKMAN RD NW	CALABASH	NC	28467-1703
22500007	JENRETTE TERRY J ET	JENRETTE IRENE	2235 DAL ST SW	SUPPLY	NC	28462
2250000101	BELLAMY J K		1259 HICKMAN RD NW	CALABASH	NC	28467
2240000103	DAWKINS TODD ET	DAWKINS ALICIA	1339 HICKMAN RD NW	CALABASH	NC	28467
22400011	SASSER BARRETT		1180 RIVERVIEW DR	CALABASH	NC	28467-2727
2250013213	RSPH HICKMAN LLC		PO BOX 5967	HIGH POINT	NC	27262-5967
22400008	GORE GREGORY S TRUSTEE		1350 HICKMAN RD NW	CALABASH	NC	28467-1703
22500129	CROSSROADS LAKE FRONT DEV INC	ATTN BENJY HARDEE	55 PARK STREET EXT	LITTLE RIVER	SC	29566-7818
224MB006	CROSSROADS LAKE FRONT DEV INC	ATTN BENJY HARDEE	55 PARK STREET EXT	LITTLE RIVER	SC	29566-7818
22500009	LONG WILDA H (LT)	C/O KIMRY V LONG	1516 ASH LITTLE RIVER RD NW	ASH	NC	28420-1702
22500137	BELLAMY JASON EARL ETUX	BELLAMY TANYA BENNETT	1275 HICKMAN RD NW	CALABASH	NC	28467-1702

OWNER(S)

PARCEL ID	NAME	NAME 2	ADDRESS	CITY	STATE	ZIP
22400009	BELLAMY FAMILY FARM LLC		950 PEA LANDING ROAD NW	ASH	NC	28420
2240000901	BELLAMY MILTON WADE		1330 HICKMAN RD NW	CALABASH	NC	28467-1703
2240000902	BENTON BRANDON WAYNE ETUX	BENTON KATHERINE MORGAN	950 PEA LANDING RD NW	ASH	NC	28420-2508

APPLICANT(S)

PARCEL ID	NAME	NAME 2	ADDRESS	CITY	STATE	ZIP
	J. PHILLIP NORRIS, P.E.		1429 ASH-LITTLE RIVER RD NW	ASH	NC	28420
		NORRIS & TUNSTALL CONSULTING ENGINEERS, P.C.				