



AGENDA BRUNSWICK COUNTY PLANNING BOARD

6:00 P.M. Monday
June 13, 2016

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

- 1) Call to Order.
- 2) Invocation.
- 3) Pledge of Allegiance.
- 4) Roll Call.
- 5) Consideration of the Minutes of the May 9, 2016 Meeting.
- 6) Agenda Amendments.
- 7) Public Comment.
- 8) Public Hearings.
 - A. Rezoning Z-739 – Brunswick County Economic Development and Planning Department
Proposed rezoning of approximately 33.18 acres located off Tree Acres Circle (SR 1364) within the Meadowlands Development near Carolina Shores from Undesignated and R-7500 (Medium Density Residential) to R-7500 (Medium Density Residential) for Tax Parcel 22500098.
 - B. Rezoning Z-740 – Gene Micheal Evans
Proposed rezoning of approximately 9.17 acres located at 2183 Retreat Street (SR 1922) and off Sunset Harbor Road (SR 1112) near Supply from R-6000 (High Density Residential), NC (Neighborhood Commercial), and CLD (Commercial Low Density) to CLD (Commercial Low Density) for Tax Parcels 20100049 and 20100052 (added by staff).
LAND USE PLAN MAP AMENDMENT LUM-740:
Request to amend approximately 33.17 acres located at 2183 Retreat Street (SR 1922) and off Sunset Harbor Road (SR 1112) near Supply from LDR (Low Density Residential) and CC (Community Commercial) to Commercial for Tax Parcels 20100049 and 20100052 (added by staff).
- 9) Other Business.
 - A. Cape Fear Regional Bike Plan
 - B. Planning Board Cases Update
- 10) Adjournment.

MINUTES

PLANNING BOARD

BRUNSWICK COUNTY, NC

**6:00 P.M. Monday
May 9, 2016**

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

MEMBERS PRESENT

Eric Dunham, Chair
Joy Easley, Vice Chair
Cynthia Henry
Michael Polychrones
Troy Price
Chris Stanley
Randy Ward

MEMBERS ABSENT

None

STAFF PRESENT

Kirstie Dixon, Planning Manager
Connie Marlowe, Admin. Asst.
Helen Bunch, Zoning Administrator
Bob Shaver, County Attorney

OTHERS PRESENT

Brian Slattery, State Port Pilot
Lewis Dozier

John Hankins

I. CALL TO ORDER.

Mr. Dunham called the meeting to order at 6:00 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

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

III. ROLL CALL.

There were no members absent.

IV. CONSIDERATION OF MINUTES OF THE 11-APR16 MEETING.

Mr. Polychrones made a motion to approve the minutes as written and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

There were none.

VI. PUBLIC COMMENT.

There were none.

VII. PUBLIC HEARINGS.

- A. Proposed Text Amendments to Various Sections of the Brunswick County Unified Development Ordinance clarifying Permanent Farmers Market/Farm Stands and Temporary Farmers Market/Farm Stands.

Ms. Bunch addressed the Board. She read the current language for temporary and permanent farmers markets/farm stands in the Brunswick County Unified Development Ordinance (UDO). She stated that several other departments (Code Administration, Environmental Health, Cooperative Extension, and County Attorney) and a local farmer were instrumental in drafting new language (attached) to accommodate local farmers with selling agricultural products that includes fruits and vegetables, honey, meat, seafood, poultry, dairy products, and grains. Ms. Bunch outlined the zoning districts that will allow said uses either outright or with limitations. She further stated that farmers markets/farm stands will be clearly defined in the UDO and signage requirements will have to be adhered to for both temporary or permanent farmers markets/farm stands.

Mr. Dunham asked staff if the temporary use permit has to be posted on site? Ms. Bunch said the permit must be on hand if a County Official visited a site and asked the vendor to show proof their activity has been permitted by the County. Ms. Dixon interjected that the sale of products on a farmer's property is exempted from zoning requirements.

Mrs. Henry asked staff if there is a fee for the temporary use permit? Ms. Bunch replied, no. She stated that staff wants a record of these sites. Mrs. Henry asked staff if ingress and egress are addressed in the proposed language? Ms. Bunch said adequate driveways are required and state-maintained roads will be addressed by the North Carolina Department of Transportation (NCDOT). She further stated that safety is a factor for ingress and egress to the temporary farm stands. Mrs. Henry asked staff if existing permanent sites will be affected and Ms. Bunch replied, no. Ms. Bunch said the permanent facilities currently comply with the minimum requirements. She stated that these requirements are to assist farmers in the area to sell their products during peak season.

Mr. Stanley asked staff if temporary facilities are required to have a specific base (e.g., gravel) for parking? Ms. Bunch said it depends on the length of stay. She further stated that staff will

coordinate with the Stormwater Engineer (Brigit Flora), whenever necessary to ensure minimum stormwater requirements are met. Mr. Stanley asked staff about the sale of items other than listed in the definition? Ms. Bunch said the Environmental Health Department would address and approve food items sold beyond what is defined in the UDO. Mr. Stanley asked if there is a minimum square footage requirement for a permanent facility? Ms. Bunch said the International Building Code with North Carolina Amendments would dictate the minimum size for a permanent structure. She said staff will ensure that minimum setback requirements are met.

With no further comments, Mr. Polychrones made a motion to open the public hearing and the motion was unanimously carried.

Mr. Lewis Dozier addressed the Board. Mr. Dozier commended staff for considering farmers and he expressed the need for fresh produce to promote a healthy economy.

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

Mr. Polychrones made a motion to recommend to the Board of Commissioners to approve the proposed text amendment and the motion was unanimously carried.

VIII. OTHER BUSINESS.

Ms. Dixon addressed the Board. She stated that two zoning cases (Z-737 and Z-738) were approved at the Board of Commissioners 02-May-16 meeting. She stated that there was no opposition to neither Z-737 nor Z-738 during that meeting.

IX. ADJOURNMENT.

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

REZONING STAFF REPORT {**ABBREVIATED*****}

Date: June 13, 2016

Case#: Z-739

Tax Parcel(s): 22500098

Location: Located off Tree Acres Circle (SR 1364) within the Meadowlands
Development near Carolina Shores NC

Acreage: 33.18

Applicant(s): Brunswick County Economic Development and Planning



*****This is an abbreviated staff report because the proposed rezoning case is not requesting a change of zoning. A portion of the parcel does not have a zoning designation assigned and the selected zoning designation is consistent with the surrounding zoning designations.**

APPLICATION OVERVIEW:

The applicant is seeking to rezone Tax Parcels 22500098 to R-7500. A portion of parcel was recently removed from the Carolina Beach ETJ and does not have a zoning designation. There is an approved development plan in place for the Meadowlands Development that is vested (see attached). Prior to the removal, Meadowlands was located in both Brunswick County's jurisdiction and Carolina Shore's EJ and was approved simultaneously by both jurisdictions. The owner and adjacent owners have been notified of the proposed rezoning via first class mail. The owner was also notified via certified mail.

ZONING ANALYSIS

Proposed Zoning Request:

From: Undesignated and R-7500 (Medium Density Residential)

To: R-7500 (Medium Density Residential)

"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."

SURROUNDING AREA ZONING DESIGNATIONS

North: R-7500

South: R-7500

East: Carolina Shores Jurisdiction

West: Carolina Shores Jurisdiction

LAND USE ANALYSIS

Brunswick County CAMA Land Use Plan Land Use Classification: Community Commercial & Conservation

A Land Use Amendment is not required since the parcel was covered in the Brunswick County CORE CAMA Land Use Plan and is already designated.

SITE CONSIDERATIONS

- | | |
|---|---|
| <input checked="" type="checkbox"/> Will correct a split zoning on a parcel(s). | <input type="checkbox"/> Located within a growth corridor. |
| <input type="checkbox"/> Potentially could create a <i>spot zoning</i> . | <input type="checkbox"/> Classified as a Bona Fide Farm. |
| <input type="checkbox"/> Located near residentially zoned property. | <input checked="" type="checkbox"/> Located within 1/2 mile of a Voluntary Agricultural District (VAD). |
| <input type="checkbox"/> Located in an Overlay Zoning District. | <input type="checkbox"/> Cemetery/Historical Resource known to be located <i>nearby</i> on the rezoning site. |
| <input checked="" type="checkbox"/> Located near other property designated as LDR, Community Commercial, and Conservation in the <i>Brunswick County CAMA Land Use Plan</i> . | |

STAFF RECOMMENDATION SUMMARY

Staff recommends APPROVAL TO R-7500 FOR TAX PARCEL 22500098 BASED upon information provided, surrounding area, current uses, the Brunswick County CAMA CORE Land Use Plan, and other adopted Brunswick County plans and policies.

Case No. Z-739

**COUNTY OF BRUNSWICK
REZONING REQUEST
FINDINGS
BOARD CONSIDERATION WORKSHEET**

Applicant: Brunswick County

Owner: Meadowlands Golf Club Inc (%Sheila McLamb)

Property Location: Located off Tree Acres Circle NW (SR 1364) near Carolina Shores, NC

Tax Parcel #(s): 22500098

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

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

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

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

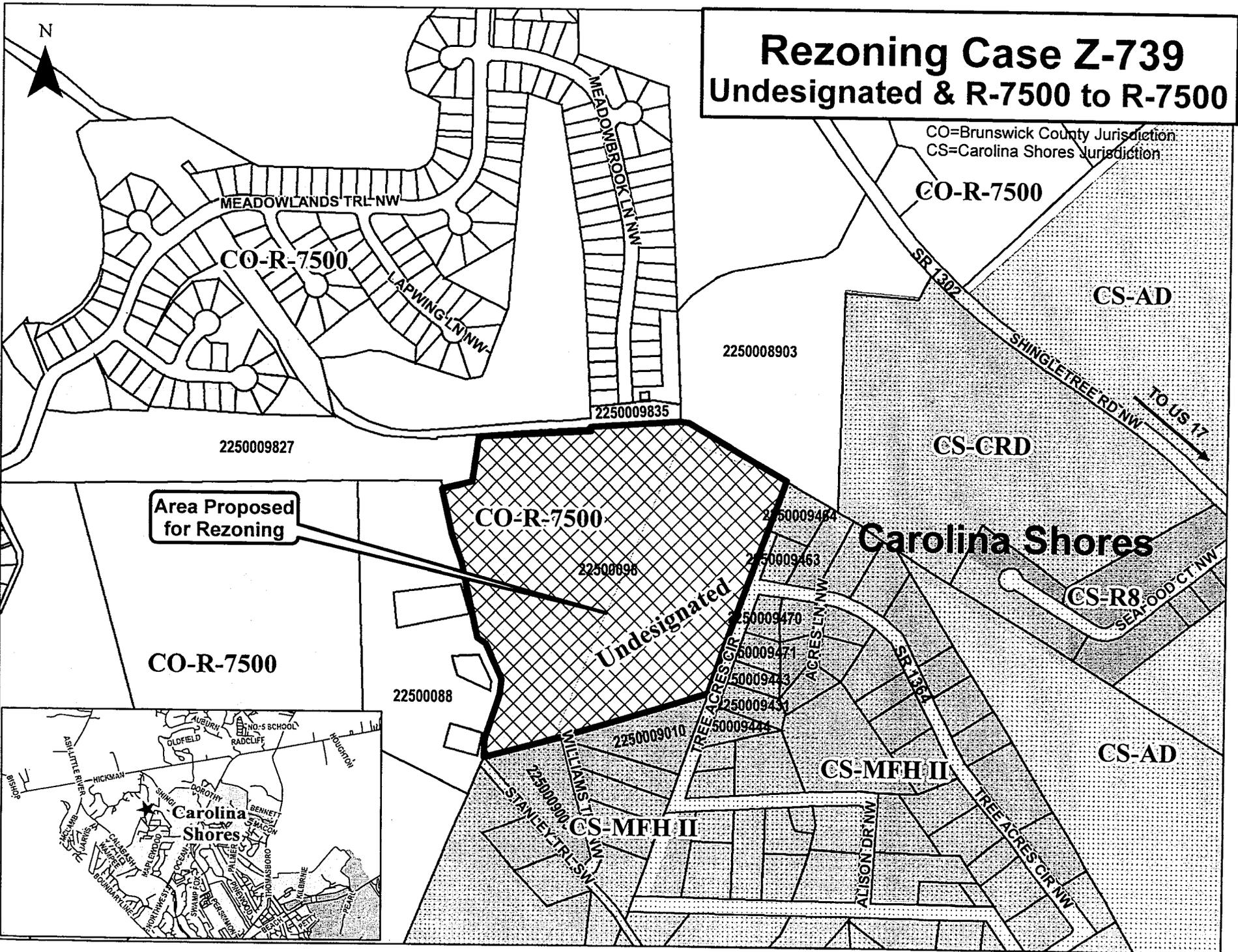
THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a REZONING be recommended to the Board of Commissioners for

Planning Board recommends: Approval Denial

Rezoning Case Z-739

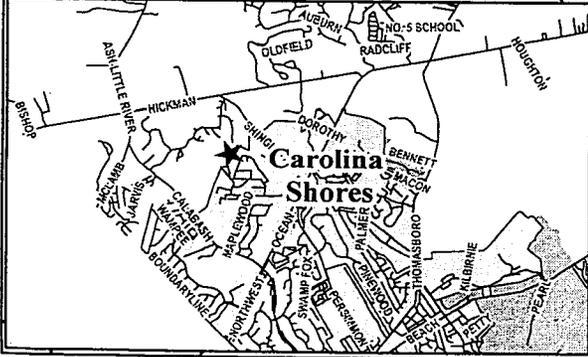
Undesignated & R-7500 to R-7500

CO=Brunswick County Jurisdiction
CS=Carolina Shores Jurisdiction



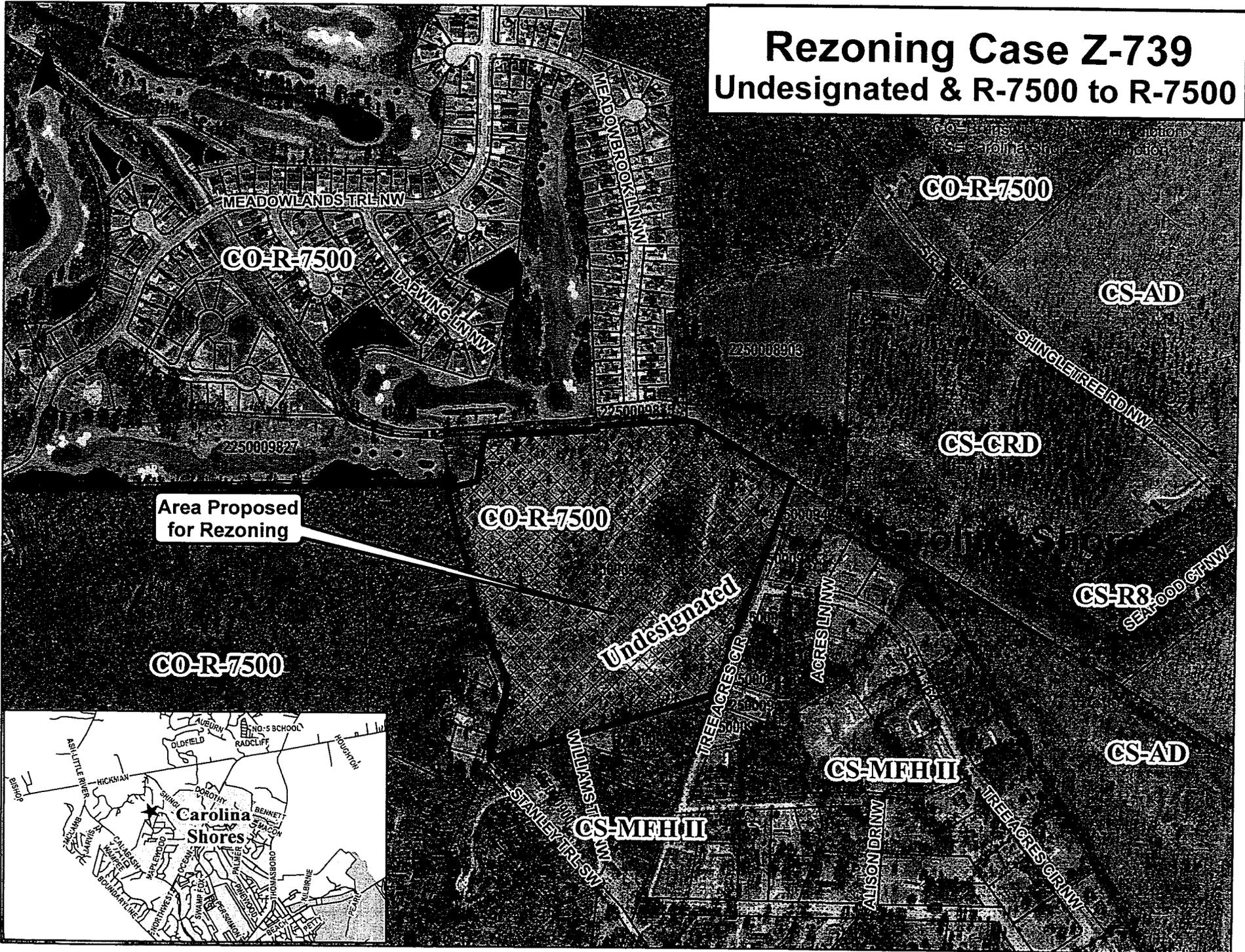
Area Proposed
for Rezoning

Carolina Shores



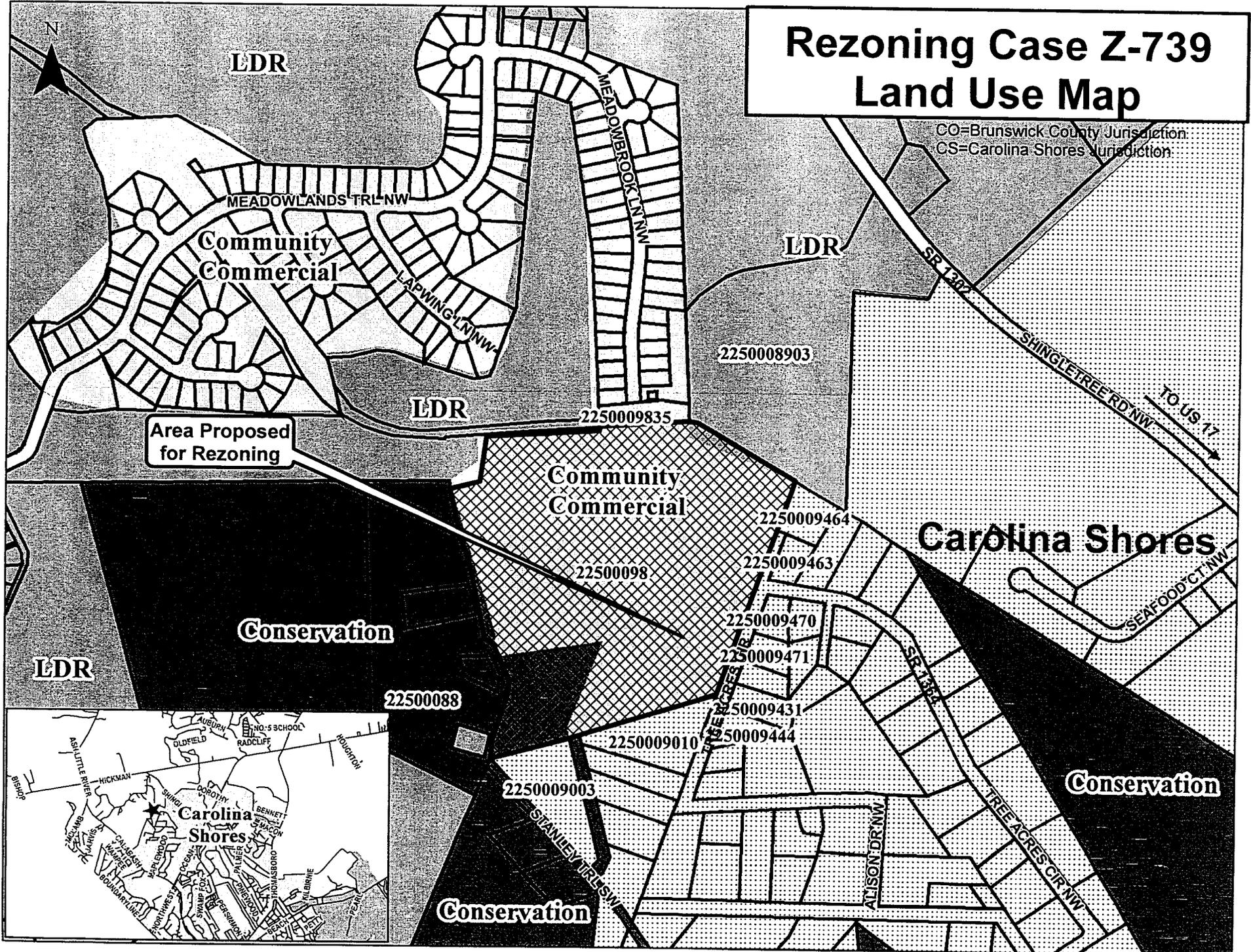
Rezoning Case Z-739

Undesignated & R-7500 to R-7500



Rezoning Case Z-739 Land Use Map

CO=Brunswick County Jurisdiction
CS=Carolina Shores Jurisdiction



**INTERLOCAL AGREEMENT BETWEEN
THE TOWN OF CAROLINA SHORES AND BRUNSWICK COUNTY**

This INTERLOCAL AGREEMENT ("Agreement") is made and entered into this 21st day of March, 2016 by and between the Town of Carolina Shores ("Town") and Brunswick County ("County") (Town and County sometimes referred to herein as the "Parties").

RECITALS:

WHEREAS, the Meadowlands PUD ("Meadowlands") is a residential development previously approved by the County;

WHEREAS, as shown on the map of the Meadowlands Master Plan attached hereto and incorporated herein by reference as Exhibit A, Lots 127-149 of Phase 3 (the "Subject Lots") are located within the Town's extraterritorial jurisdictional ("ETJ") limits;

WHEREAS, the resultant split jurisdictional authority over Meadowlands and the Subject Lots may, *inter alia*, result in administrative and financial issues and hinder and delay necessary inspection activities and the collection of inspection fees;

WHEREAS, there is no dispute between the Parties as a result of the split jurisdictional authority;

WHEREAS, the Parties have nonetheless agreed to resolve all such jurisdictional issues through the Town's relinquishment of ETJ over the Subject Lots in exchange for the County paying the Town fifty-percent (50%) of the inspection fee revenues it collects from the Subject Lots; and

WHEREAS, the Parties intend for this writing to set forth the terms and conditions of their agreement.

NOW, THEREFORE, in consideration of the recitals set forth above, and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Town and County agree as follows:

ARTICLE 1: PERFORMANCE OBLIGATIONS.

1.1 Relinquishment of ETJ.

A. The Town shall relinquish ETJ over the Subject Lots through the adoption of an ordinance amending its ETJ boundaries.

B. The Town's governing board shall consider and act upon such an ordinance following notice and a public hearing on the question relinquishing ETJ.

C. Attached to the ordinance shall be a map showing the revised ETJ boundary and the area over which the Town's ETJ was relinquished; said map generally conforming to the revised ETJ map attached hereto and incorporated herein by reference as Exhibit B.

D. The Town shall record the ordinance and revised ETJ map with the Brunswick County Registry of Deeds.

1.2 Payment of Inspection Fee Revenue.

A. County will charge inspection fees for the Subject Lots in accordance with its prevailing Schedule of Fees at the time said lots are inspected.

B. Beginning on June 30, 2016, and occurring on June 30th thereafter for the next fourteen (14) years, the County shall make an annual payment to the Town equal to fifty-percent (50%) of the inspection fees it collects for any inspections of the Subject Lots performed during the applicable fiscal year.

C. The County shall maintain, and make available to the Town for inspection, sufficient financial records of the fees it charges and collects for inspections of the Subject Lots.

ARTICLE 2: TERM.

2.1 By the automatic operation of this provision, the Agreement shall terminate on June 30, 2031 with no further obligation of either party hereunder, provided that, however, the indemnification provisions set forth in Section 3 below shall survive the termination of this Agreement for a period of three (3) years.

ARTICLE 3: INDEMNIFICATION.

3.1 Each party agrees to indemnify and hold the other harmless with respect to any and all claims, losses, costs, damages, and liabilities, including attorneys' fees and settlement costs, arising from any negligent or willful acts or omissions of the indemnifying party's employees, agents, representatives, and independent contractors provided, however, that nothing in this section shall be construed as a waiver of any immunity defense which might otherwise be available.

ARTICLE 4: GOVERNING LAW, DISPUTE RESOLUTION AND VENUE.

4.1 This Agreement shall be construed and enforced in accordance with the laws of the State of North Carolina.

4.2 Prior to commencing any litigation arising hereunder, and after failing to first negotiate a resolution of the same, the parties agree to mediate any dispute, claim or other matter arising hereunder before a North Carolina certified mediator selected by agreement between the parties. Each party agrees to pay one-half (1/2) of the mediator's fees.

4.3 Notice of a demand for mediation shall be in writing and sent to the other party within a reasonable time after the claim, dispute, or other matter in question has arisen. In no event shall the demand for mediation be made after the date when commencement of legal proceedings based on such a claim, dispute, or other matter would be barred by the applicable statute of limitations.

4.4 Failure of either party to timely demand mediation or agree on the selection of a mediator shall be deemed to constitute a knowing and voluntary waiver of the obligation to mediate such that the parties may then pursue any and all actions at law and equity to remedy the default/breach.

4.5. The forum and venue for any litigation arising hereunder shall be the North Carolina General Court of Justice in Brunswick County, North Carolina.

ARTICLE 5: NOTICES.

5.1 All notices, confirmations, requests, demands, and other communications provided for herein shall be in writing and shall be deemed to have been duly given upon delivery, if delivered by hand (against receipt) or as of the date of delivery shown on the receipt if mailed by United States Postal Service registered or certified mail, postage prepaid, return receipt requested, and addressed to the party as the recipient thereof at the address set forth below, or at such other address designated by a party for such purpose in a written notice complying with the terms of this paragraph.

TOWN: Town Administrator
TOWN OF CAROLINA SHORES
200 Persimmon Road
Carolina Shores, NC 28467

Copy to: James E. Eldridge, Town Attorney
ELDRIDGE LAW FIRM, PC
Post Office Box 1380
Wilmington, NC 28402

COUNTY: County Manager
BRUNSWICK COUNTY
Post Office Box 249
Bolivia, NC 28422

ARTICLE 6: GENERAL PROVISIONS.

6.1 No Deemed Waiver. The failure of a party to exercise any right under this Agreement or the waiver by either party of a default or breach of any provision of this Agreement shall not operate as or be construed to be a waiver of any right or other provision herein.

6.2 Severability. If any term or provision of this Agreement shall be judicially determined to be void or of no effect, such determination shall not affect the validity and enforceability of the Agreement's remaining terms and provisions and the balance of the Agreement shall remain in full force and effect.

6.3 Entire Agreement; Modification. This Agreement, including the Exhibits, constitutes the complete, entire, and final agreement of the Parties with respect to the subject matter hereof, and supersedes any and all previous communications, statements, and representations, oral or written, with respect to the subject matter hereof. This Agreement may not be modified, amended, or revised except by further written agreement by and between the Parties.

6.4 Counterpart Copies. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which, taken together, shall constitute one and the same instrument which may be sufficiently evidenced by one complete counterpart.

[signatures and attestations follow on next page]

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed and attested to by their duly authorized representatives on the day and year first above written.

TOWN OF CAROLINA SHORES

Joyce D. Dunn
Joyce Dunn, Mayor

ATTEST: Nicole R. Marks
Nicole Marks, Town Clerk



This instrument has been
preaudited in the manner required
by the Local Government and
Fiscal Control Act,

Julie Miller

BRUNSWICK COUNTY

Scott Phillips
Scott Phillips, Chairman

ATTEST: Margie Stephenson
Margie Stephenson, Clerk to the Board



This instrument has been
preaudited in the manner required
by the Local Government and
Fiscal Control Act.
Julie Miller
Julie Miller, Director of Fiscal Operations
Brunswick County, North Carolina

EXHIBIT A

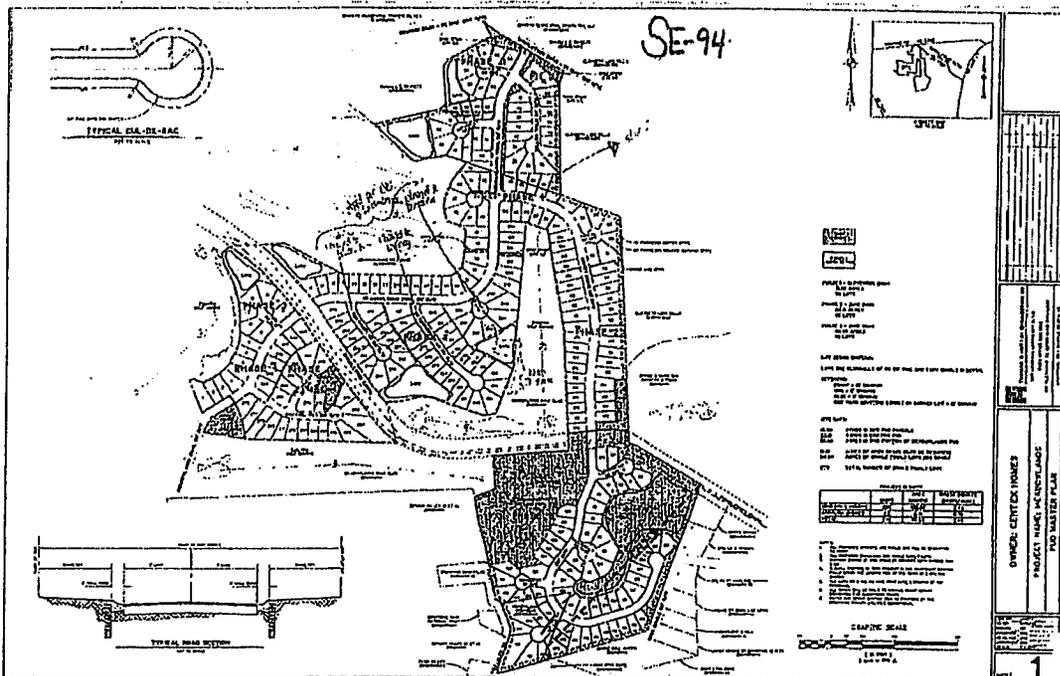
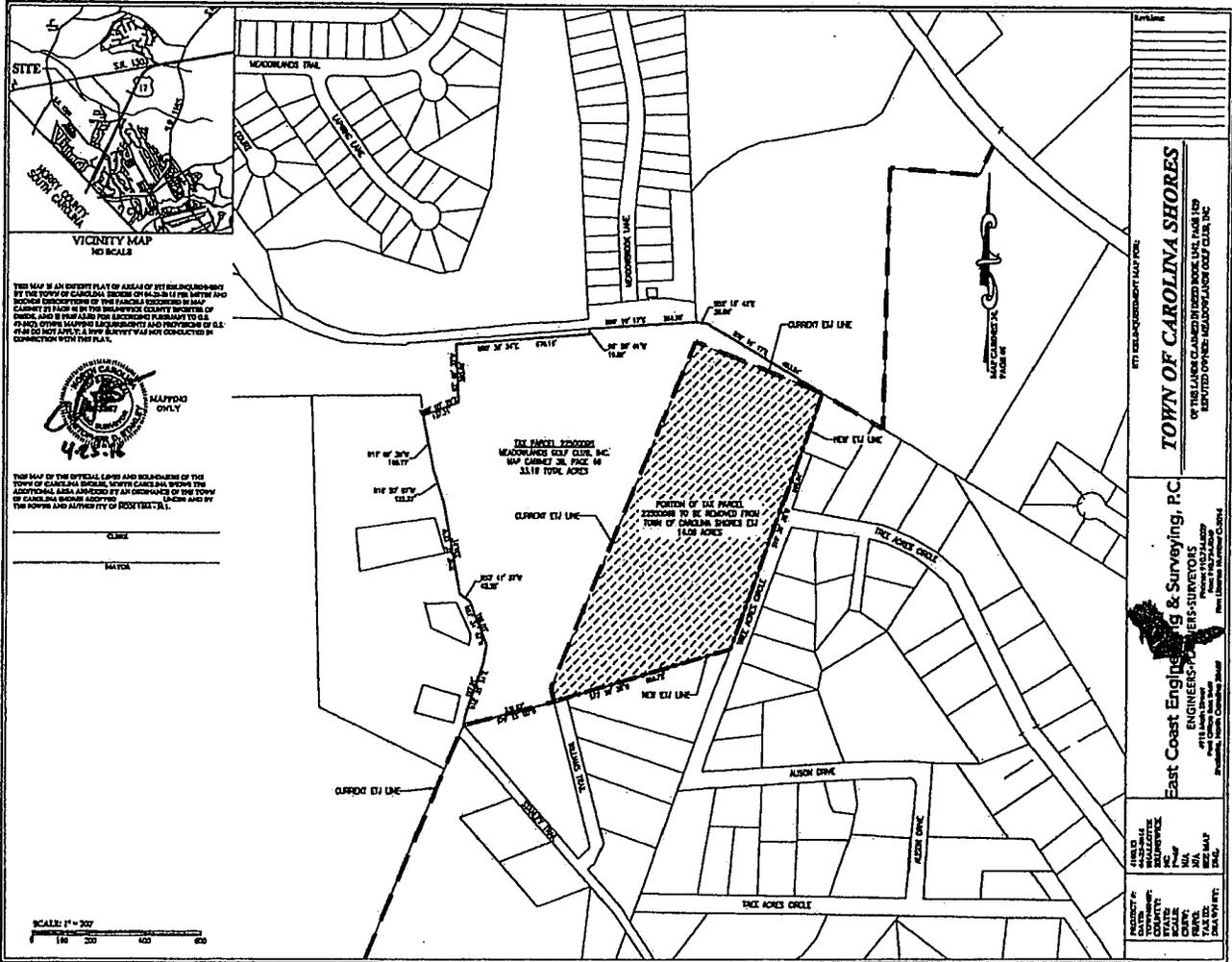


EXHIBIT B



© 2011 This drawing shall not be reproduced by third parties without the written permission of East Coast Engineering & Surveying, P.C.



**Brunswick County Economic Development and
Planning Department**
P.O. Box 249
75 Courthouse Drive N.E., Bldg I
Bolivia, NC 28422
(910) 253-2025

May 27, 2016

W.J. McLamb
Meadowlands Golf Club Inc.
PO Box 4159
Atlanta, GA 30306

**RE: Meadowlands PUD
Files # SE-94**

Dear Mr. McLamb,

It has been determined by the Brunswick County Economic Development and Planning Department that the portion of Meadowlands Planned Unit Development formerly located within the Town of Carolina Shores' Extra Territorial Jurisdiction (ETJ) is a vested project based on the following considerations:

1. The developer of the project received valid approval for the project by the Carolina Shores Planning Board in October 5, 2004 for the portion of the project in their ETJ.
2. Since obtaining the approvals the Town of Carolina Shores has relinquished the portion of their ETJ within Meadowlands and the presiding jurisdiction is now solely Brunswick County.
3. Since obtaining approvals, the developer of the project has made substantial expenditures to install a significant portion of the required infrastructure.
4. The portion of the development originally approved by Carolina Shores is of a comparable design to the remainder of Meadowlands development approved by Brunswick County. The former Carolina Shores ETJ section of the development will meet or exceed the current standards of the Brunswick County Unified Development Ordinance if the developer continues construction per the approved master plan.
5. The developer of the project has acted in good faith by developing the project per the master plan as approved by the Brunswick County Planning Board and the Carolina Shores Planning Board.
6. It has been determined that requiring the project to go through the county approval process would not result in any significant design changes and could represent an undue burden to the developer.

Please note that this letter does not constitute full approval of your development.

Please feel free to contact me if you have any questions.

Sincerely,

Marc Pages
Land Planner

BRUNSWICK COUNTY PLANNING AND COMMUNITY DEVELOPMENT
PO BOX 249
BOLIVIA NC 28422
910-253-2025/1-800-621-0609/910-253-2437(fax)

REZONING APPLICATION FORM

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.

Leave blank - to be completed by Planning Department staff

DATE RECEIVED: 5-9-16 CASE: Z-739

RECEIPT #: N/A

FEE: \$300 (<5.00 acres)
 \$500 (5.00 to 49.99 acres)
 \$750 (50.00 to 99.99 acres)
 \$1,000 (>100 acres)
 \$200 (Land Use Amendment Request)

LAND USE PLAN CONSISTENCY:

Consistent with Future Land Use Plan
 NOT Consistent with Land Use Plan and a Land Use Amendment is Required

Current Land Use Classification: None

Requested Land Use Classification: _____

Contact Information:

Applicant/Agent: Brunswick County Planning Dept. *Economic Development and*
(This person will be the contact person and will receive all mailings)

Address: P.O. Box 249 Bolivia NC 28461

Phone: 910/253-2025 Fax: 910/253-2437

Email: _____

Property Owner(s): Meadowlands Golf Club Inc. (Shelia McLamb)
(If the owner is different than the applicant)

Address: PO Box 4159, Calabash, NC 28467

Phone: _____ Fax: _____

Email: _____

Property Information:

Property Location/Address(es): _____

Tax Parcel Identification Number(s): 22500098

Current Use of Property(ies): Vacant

Acreage to be Rezoned: 33.182

Zoning Information:

Current Zoning District(s): Undesignated (A portion of property prior located within Carolina Shores)

Requested Zoning District(s): R-7500

Purpose of Zoning Change (optional): Give area a Brunswick County Zoning Designation Area was relinquish ETJ from Carolina Shores

Spot Zoning Statement:

In the space below, please indicate whether the proposed rezoning will or will not constitute a spot zoning and explain why the proposed rezoning will or will not constitute a spot zoning (For more information on spot zoning, refer to the attachment on spot zoning).

NO - The area surrounding the rezoning is R-7500.

BRUNSWICK COUNTY CAMA LAND USE PLAN CONSISTENCY

All rezoning requests must be consistent with the Brunswick County CAMA Land Use Map

Current Land Use Classification(s): Conservation & Community Commercial

This rezoning request is: Consistent with the CAMA Land Use Map.

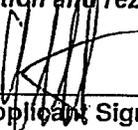
NOT consistent with the CAMA Land Use Map.

IF THE REZONING REQUEST IS NOT CONSISTENT WITH THE CAMA LAND USE MAP:

A Land Use Map Amendment is **REQUIRED**. All rezoning requests **MUST BE CONSISTENT** with the Brunswick County CAMA Land Use Map and/or the Brunswick County CAMA Land Use Plan. All Land Use Amendments must be consistent with one or more of the adopted Land Use Plan Policies located within the Brunswick County CAMA Land Use Plan Update document and/or demonstrate a change in the character of the area that warrants a departure from the adopted Land Use Plan. In the space below, please explain why the proposed Land Use Amendment will be consistent with the Brunswick County CAMA Land Use Plan and how the character of the area has changed (A copy of the Brunswick County CAMA Land Use Plan and Map can be obtained online at www.brunswickcountync.gov).

Requested Land Use Classification(s): _____

With my signature, I certify that I have read the application guidelines below and I have submitted 15 folded copies of a recent plat or survey of the property(ies) and/or area requested to be rezoned. I UNDERSTAND THAT MY REZONING REQUEST MUST BE CONSISTENT WITH THE LAND USE PLAN MAP AND/OR CAMA LAND USE PLAN. I also understand that incomplete applications will result in a delayed review of the application and rezoning process.



Applicant Signature

5/9/16

Date

Owner Signature

Date

APPLICATION GUIDELINES

1. All applications must be submitted with:
 - A. A non-refundable application fee; and
 - B. One (1) folded copy of a recent plat of survey or other map showing the location and dimensions of the subject property. All property lines and dimensions must be visible.
2. All rezoning requests MUST BE CONSISTENT with the Future Land Use Map and/or the CAMA Land Use Plan. If the application is not consistent, the applicant should seek an amendment to the Future Land Use Map and/or CAMA Land Use Plan prior to moving forward with the rezoning request.
3. All rezoning requests for rezoning must be received in the Planning Department office per the Rezoning Deadline Schedule. DUE TO GROWTH-RELATED ACTIVITY, FINAL SCHEDULING OF REQUESTS WILL BE MADE FOLLOWING THE SUBMITTAL OF THE REQUEST.
4. Rezoning Review Process:
 - A. Rezoning requests are first reviewed by the Brunswick County Planning Department for consistency with Future Land Use Map and/or the CAMA Land Use Plan. The Planning Department will then make a recommendation to the Brunswick County Planning Board.
 - B. The Brunswick County Planning Board then reviews the request and holds a public hearing for public comment. The Planning Board makes a recommendation to the Board of Commissioners. The Planning Board may recommend the request be approved as submitted, approved with conditions, denied, or deferred to a later meeting.
 - C. The Brunswick County Board of Commissioners then reviews the request and determines whether to conduct their own public hearing on the request. A public hearing is then conducted. The Board of Commissioners have the final determination. The request may be approved as submitted, approved with conditions, denied, or deferred to a later meeting.
5. Planning Board meetings are normally held the second Monday of the month at 6:00 P.M. in the Commissioners' Chambers at the Brunswick County Government Center.
6. Brunswick County Planning Board policy requires attendance of the applicant (or his/her representative) at the Planning Board public hearing.
7. The Brunswick County Board of Commissioners normally hear rezoning cases the third Monday of the month at 6:00P.M. in the Commissioners' Chambers at the Brunswick County Government Center.

CASE Z-739

ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
2250008903	STERN DOROTHY B	601 LAUREL AVE APT 1006	SAN MATEO	CA	94401
2250009464	BOYKIN BETTY	9409 NO 5 SCHOOL HOUSE RIASH		NC	28420
2250009463	VEREEN STELLA G	530 TREE ACRE CIR NW	CALABASH	NC	28467
2250009470	MCCRAY VARLENE	531 TREE ACRES CIRCLE	CALABASH	NC	28467
2250009471	LEWIS DENICE ET EDDIE LEE	3552 FRAY LANE	LONGS	SC	29568
2250009443	HILL JACQUELENE A	P O BOX 4501	CALABASH	NC	28467
2250009431	LEWIS CAROL DELILA	543 TREE ACRES CI NW	CALABASH	NC	28467
2250009444	HEWETT JAMES MERVIS ET CHRIS	1640 TURKEY TRAP RD SW	SUPPLY	NC	28462
2250009010	LANCE CARRIE BELL	4828 N MARSHALL ST	PHILADELPHIA	PA	19120-3742
2250009835	MEADOWLANDS POA INC	PO BOX 769	N. MYRTLE BEACH	SC	29597
22500088 A	BRYANT LEROY J	PO BOX 6062	OCEAN ISLE BEACH	NC	28469
22500088	MILLER EDWARD JR ETALS	PO BOX 4498	CALABASH	NC	28467
2250009003	GORE JIMMY ETUX	492 STANLEY TR NW	CALABASH	NC	28467
2250009827	MEADOWLANDS GOLF CLUB INC	PO BOX 4159	CALABASH	NC	28467

OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
22500098	MEADOWLANDS GOLF CLUB INC	PO BOX 4159	CALABASH	NC	28467

APPLICANT(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
---	BRUNSWICK COUNTY PLANNING D	PO BOX 249	BOLIVIA	NC	28422

REZONING STAFF REPORT

Date: June 13, 2016

Case#: Z-740

Tax Parcel(s): 20100049 and 20100052 (added by staff)

Location: 2183 Retreat Street (SR 1922) off Sunset Harbor Road (SR 1112) near Bolivia

Acreage: 9.17

Applicant(s): Gene M. Evans



APPLICATION OVERVIEW:

The applicant is seeking to rezone Tax Parcels 20100049 CLD and amend the Land Use Plan Map to Commercial. Staff worked with owners of adjacent Tax Parcel 20100052 and added it to the request. The owners and adjacent owners have been notified of the proposed rezoning via first class mail. The owner of Tax Parcel 20100052 was also notified by certified mail.

ZONING ANALYSIS

Proposed Zoning Request:

From: SBR-6000 (High Density Site-Built Residential), NC (Neighborhood Commercial), and CLD (Commercial Low Density)

To: CLD (Commercial Low Density)

"This District 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."

SURROUNDING AREA ZONING DESIGNATIONS

North: R-7500

South: CLD & NC

East: CLD

West: R-7500 & NC

PROJECT BOUNDARY BUFFERS: NO CHANGE

MINIMUM REQUIRED PROJECT BOUNDARY BUFFER*				
Required Opacity	Alternative 1	Alternative 2	Alternative 3 Plantings + 6-Foot Fence	Alternative 4 Plantings + 6-Foot Wall
0.2	10 feet 1 canopy 1 understory 7 shrubs	10 feet 1 canopy 2 understory 3 shrubs	Not available	Not available
0.4	20 feet 2 canopy 4 understory 25 shrubs	20 feet 2 canopy 6 understory 9 shrubs	15 feet 0 canopy 3 understory 3 shrubs	10 feet 0 canopy 3 understory 3 shrubs
0.6	30 feet 3 canopy 6 understory 34 shrubs	30 feet 3 canopy 8 understory 13 shrubs	20 feet 0 canopy 3 understory 3 shrubs	15 feet 0 canopy 3 understory 3 shrubs
0.8	50 feet 5 canopy 7 understory 43 shrubs	50 feet 4 canopy 10 understory 17 shrubs	35 feet 0 canopy 5 understory 7 shrubs	25 feet 0 canopy 5 understory 7 shrubs
1.0	80 feet 5 canopy 8 understory 49 shrubs	80 feet 4 canopy 11 understory 19 shrubs	60 feet 0 canopy 5 understory 7 shrubs	40 feet 0 canopy 5 understory 7 shrubs

* Buffer Depths and Plants Required Per 100 Linear Feet

LAND USE ANALYSIS

Current Surrounding Area Land Use(s):

- Agricultural/Conservation/Forestry Lands
 Vacant/Undeveloped Property
 Residential
 Commercial
 Industrial
 Institutional
 Utility

Brunswick County CAMA Land Use Plan Land Use Classification: LDR (Low Density Residential) and CC (Community Commercial)

- Consistent with the Land Use Plan Map
 Not Consistent with Land Use Plan Map

Brunswick County CAMA Land Use Plan policies affecting this rezoning:

- P.16 states that Brunswick County strongly supports commercial nodes, including town or village centers, and the prohibition of strip commercialization.
- P.49 states that Brunswick County supports directing more intensive land uses to areas that have existing or planned infrastructure.
- P.112 states that Brunswick County will encourage industrial and commercial development in areas with existing infrastructure that does not infringe on existing medium density residential areas.

Capital Improvement Plan (CIP):

- CIP Projects
 No CIP Projects

CIP Project(s)	Scheduled
Hwy 211 County Site Water Main Extension	FY 2019
211 Water Plant Improvements	FY 2019
NC 211/Gilbert Road Water Improvements	FY 2017
NC 211 R-5021 NCDOT Utility Relocation	FY 2016 & 2017
Lockwood Folly Park Renovation	FY 2016
Lockwood Folly Community Building	FY 2019

Future Surrounding Areas Land Use(s):

The area surrounding this rezoning site has been experiencing growth based upon recent land development activities submitted to the Brunswick County Planning Department. Olde Georgetown PUD, Palmetto Creek of the Carolinas PUD, Timber Creek Plantation, Avalon PUD, Paramount (formally Avalon II) have been approved in the area totally 2,649 units. *Currently the rezoning site contains a commercial business (Self-Service Storage Facility).*

INFRASTRUCTURE AND SERVICE IMPACTS

SCHOOL CAPACITY:

Elementary School: <u>Virginia Williamson</u>	Middle School: <u>South Brunswick</u>	High School: <u>South Brunswick</u>
<input checked="" type="checkbox"/> Adequate Capacity	<input checked="" type="checkbox"/> Adequate Capacity	<input type="checkbox"/> Adequate Capacity
<input type="checkbox"/> Two-Year Capacity Warning	<input type="checkbox"/> Two-Year Capacity Warning	<input type="checkbox"/> Two-Year Capacity Warning
<input type="checkbox"/> Out-of-Capacity	<input type="checkbox"/> Out-of-Capacity	<input checked="" type="checkbox"/> Out-of-Capacity

MAJOR ROADWAY IMPACTS:

ROAD ACCESS AND CAPACITY: **Wilmington MPO** **Grand Strand MPO**

Roads	Capacity Deficiencies
Sunset Harbor Road (SR 1112)	None
Southport-Supply Road (NC 211)	Near

NCDOT PROJECTS AND STUDIES: **NONE**

Project	Project Type	Project Description	Status
R-5021	STIP	Widen NC 211 from Midway Road (SR 1500) to NC 87	Right-Of-Way In Progress Completion Anticipated 2020

UTILITIES:

CURRENT WATER AND SEWER AVAILABILITY

WATER: Not Available Available

PROVIDER:

- Brunswick County Utilities
- Brunswick Regional Water & Sewer District (H₂GO)
- Southeast Brunswick Sanitary District

SIZE OF WATER LINE: 8-inch line
LOCATION: Sunset Harbor Rd

SEWER: Not Available Available

PROVIDER:

- Brunswick County Utilities
- Brunswick Regional Water & Sewer District (H₂GO)
- Southeast Brunswick Sanitary District

SIZE OF WATER LINE: 12- inch line
LOCATION: Sunset Harbor Rd

It is the developer's responsibility to connect to the water and sewer system.

ENVIRONMENTAL IMPACTS

- Located within a FEMA Flood Hazard Zone.
- Located near a watercourse/water body.
- Located in the Lockwood Folly Watershed and in the area of the Lockwood Folly River Water Quality Study. The Brunswick County Board of Commissioners have accepted the Lockwood Folly River Roundtable Strategy report.
- Located in a Significant Natural Heritage Area.
- A small portion of the rezoning site located with a Biodiversity & Wildlife Habitat Assessment Area scoring 7 out of 10 (10 is the highest conservation value) due to Mill Creek running along the southern boundary of the subject property.

OTHER SITE CONSIDERATIONS

- Will correct a split zoning on a parcel(s).
- Potentially could create a *spot zoning*.
- Located near commercially zoned property.
- Located in an Overlay Zoning District.
- Located near other property designated as Commercial in the Brunswick County CAMA Land Use Plan.
- Located within a growth corridor.
- Classified as a Bona Fide Farm.
- Located within a Fire District (Sunset Harbor/Zion Hill).
- Located within 1/2 mile of a Voluntary Agricultural District (VAD)
- Cemetery known to be located on or near the rezoning.
- Historic Site(s) known to be located on or near the rezoning.

STAFF RECOMMENDATION SUMMARY

Staff recommends APPROVAL TO CLD IN CONJUNCTION WITH A LAND USE PLAN AMENDMENT TO COMMERCIAL FOR TAX PARCELS 20100049 AND 20100052 BASED upon information provided, surrounding area, current uses, the Brunswick County CAMA CORE Land Use Plan, and other adopted Brunswick County plans and policies.

Case No. Z-740

COUNTY OF BRUNSWICK
REZONING REQUEST
FINDINGS
BOARD CONSIDERATION WORKSHEET

Applicant: Gene M. Evans

Owner: Gene M. Evans and Frank J. Marshall, Sr.

Property Location: 2183 Retreat Street SE (SR 1922) and off Sunset Harbor Road SE (1112) near Supply, NC

Tax Parcel #(s): 20100049 and 20100052

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

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

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

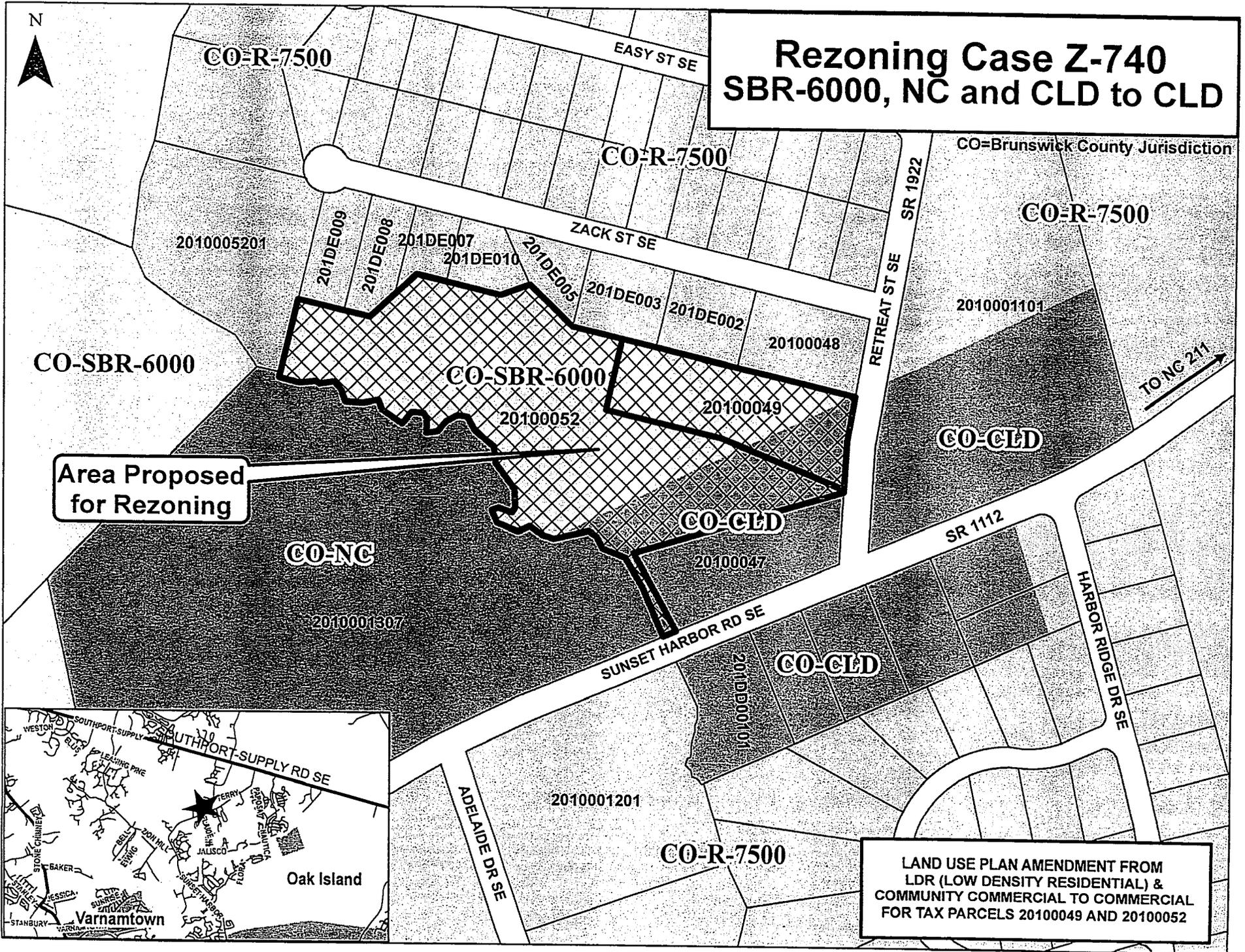
IV. Is the proposed amendment reasonable as it relates to the public interest?

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a REZONING be recommended to the Board of Commissioners for

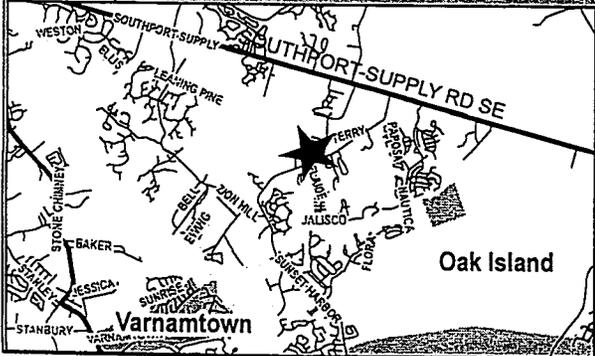
Planning Board recommends: Approval Denial



Rezoning Case Z-740 SBR-6000, NC and CLD to CLD

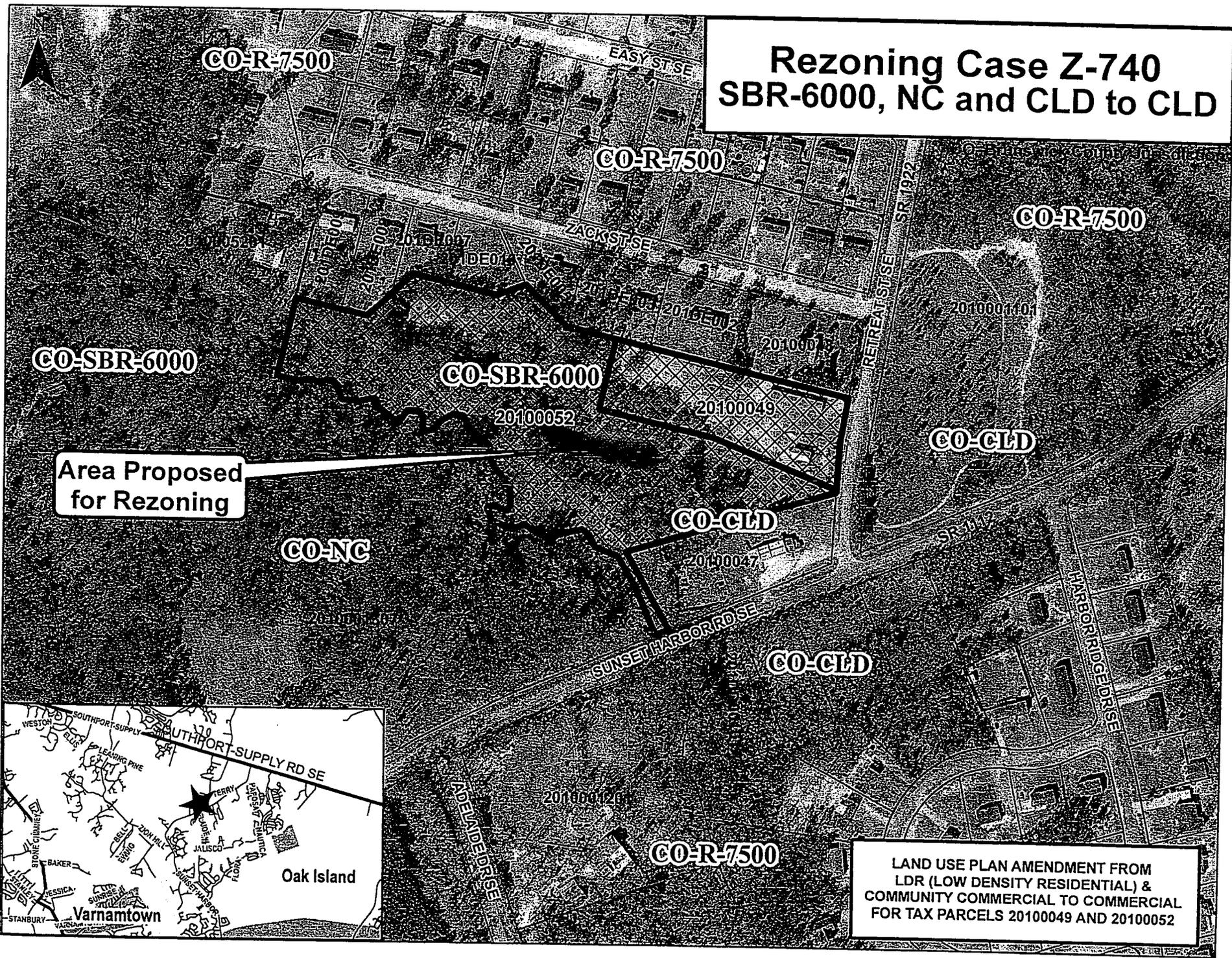


**Area Proposed
for Rezoning**



LAND USE PLAN AMENDMENT FROM
LDR (LOW DENSITY RESIDENTIAL) &
COMMUNITY COMMERCIAL TO COMMERCIAL
FOR TAX PARCELS 20100049 AND 20100052

Rezoning Case Z-740 SBR-6000, NC and CLD to CLD



BRUNSWICK COUNTY PLANNING AND COMMUNITY DEVELOPMENT
PO BOX 249
BOLIVIA NC 28422
910-253-2025/1-800-621-0609/910-253-2437(fax)

REZONING APPLICATION FORM

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.

Leave blank - to be completed by Planning Department staff

RECEIVED

DATE RECEIVED: 5-10-16

CASE: Z- 740

MAY 10 2016
KJD

RECEIPT #: 013552

- FEE: \$300 (<5.00 acres)
 \$500 (5.00 to 49.99 acres)
 \$750 (50.00 to 99.99 acres)
 \$1,000 (>100 acres)
 \$200 (Land Use Amendment Request)

LAND USE PLAN CONSISTENCY:
 Consistent with Future Land Use Plan
 NOT Consistent with Land Use Plan and a Land Use Amendment is Required
Current Land Use Classification: LDR Community
Requested Land Use Classification: Commercial

Contact Information:

Applicant/Agent: Gene M Evans
(This person will be the contact person and will receive all mailings)

Address: 615 Darby St Bolivia NC 28422

Phone: 910-850-7010 Fax: _____

Email: _____

Property Owner(s): See Attached
(If the owner is different than the applicant)

Address: _____

Phone: _____ Fax: _____

Email: _____

Property Information:

Property Location/Address(es): 2183 Retreat St
off Sunset Harbor Rd

Tax Parcel Identification Number(s): 20100049 AND 20100052

KD
5-13-16

Current Use of Property(ies): min storage 2 ac

Acreage to be Rezoned: 2 + 7.17 = 9.17 ac. (Approx.)

Zoning Information:

Current Zoning District(s): SBN-R-6000 an e/d and NC

Requested Zoning District(s): LD

Purpose of Zoning Change (optional): _____

Spot Zoning Statement:

In the space below, please indicate whether the proposed rezoning will or will not constitute a spot zoning and explain why the proposed rezoning will or will not constitute a spot zoning (For more information on spot zoning, refer to the attachment on spot zoning).

no
used as commercial & other adjacent properties
are commercial

BRUNSWICK COUNTY CAMA LAND USE PLAN CONSISTENCY

All rezoning requests must be consistent with the Brunswick County CAMA Land Use Map

Current Land Use Classification(s): LDR / community comm.

- This rezoning request is:
- Consistent with the CAMA Land Use Map.
 - NOT consistent with the CAMA Land Use Map.

IF THE REZONING REQUEST IS NOT CONSISTENT WITH THE CAMA LAND USE MAP:

A Land Use Map Amendment is **REQUIRED**. All rezoning requests **MUST BE CONSISTENT** with the Brunswick County CAMA Land Use Map and/or the Brunswick County CAMA Land Use Plan. All Land Use Amendments must be consistent with one or more of the adopted Land Use Plan Policies located within the Brunswick County CAMA Land Use Plan Update document and/or demonstrate a change in the character of the area that warrants a departure from the adopted Land Use Plan. In the space below, please explain why the proposed Land Use Amendment will be consistent with the Brunswick County CAMA Land Use Plan and how the character of the area has changed (A copy of the Brunswick County CAMA Land Use Plan and Map can be obtained online at www.brunswickcountync.gov).

Commercial use is on property.
Being used as commercial

Requested Land Use Classification(s): Commercial

REZONING PERMITS
File# 2-740

With my signature, I certify that I have read the application guidelines below and I have submitted 15 folded copies of a recent plat or survey of the property(ies) and/or area requested to be rezoned, I UNDERSTAND THAT MY REZONING REQUEST MUST BE CONSISTENT WITH THE LAND USE PLAN MAP AND/OR GAMA LAND USE PLAN. I also understand that incomplete applications will result in a delayed review of the application and rezoning process.

[Handwritten Signature]
Applicant Signature

Date

[Handwritten Signature]
Owner Signature

5/16/16
Date

APPLICATION GUIDELINES

1. All applications must be submitted with:
 - A. A non-refundable application fee; and
 - B. One (1) folded copy of a recent plat of survey or other map showing the location and dimensions of the subject property. All property lines and dimensions must be visible.
2. All rezoning requests **MUST BE CONSISTENT** with the Future Land Use Map and/or the CAMA Land Use Plan. If the application is not consistent, the applicant should seek an amendment to the Future Land Use Map and/or CAMA Land Use Plan prior to moving forward with the rezoning request.
3. All rezoning requests for rezoning must be received in the Planning Department office per the Rezoning Deadline Schedule. **DOE TO GROWTH-RELATED ACTIVITY, FINAL SCHEDULING OF REQUESTS WILL BE MADE FOLLOWING THE SUBMITTAL OF THE REQUEST.**
4. Rezoning Review Process:
 - A. Rezoning requests are first reviewed by the Brunswick County Planning Department for consistency with Future Land Use Map and/or the CAMA Land Use Plan. The Planning Department will then make a recommendation to the Brunswick County Planning Board.
 - B. The Brunswick County Planning Board then reviews the request and holds a public hearing for public comment. The Planning Board makes a recommendation to the Board of Commissioners. The Planning Board may recommend the request be approved as submitted, approved with conditions, denied, or deferred to a later meeting.
 - C. The Brunswick County Board of Commissioners then reviews the request and determines whether to conduct their own public hearing on the request. A public hearing is then conducted. The Board of Commissioners have the final determination. The request may be approved as submitted, approved with conditions, denied, or deferred to a later meeting.
5. Planning Board meetings are normally held the second Monday of the month at 6:00 P.M. in the Commissioners' Chambers at the Brunswick County Government Center.
6. Brunswick County Planning Board policy requires attendance of the applicant (or his/her representative) at the Planning Board public hearing.
7. The Brunswick County Board of Commissioners normally hear rezoning cases the third Monday of the month at 6:00 P.M. in the Commissioners' Chambers at the Brunswick County Government Center.

Attachment

List of Owners

Parcel Number	Owner	Address	City	State	Zip
20100049	Gene M. Evans	645 Darby St.	Bolivia	NC	28422
20100052	Frank J. Marshall Sr.	106 Mockingbird Dr	Henderso	NC	28792

CASE Z-740

ADJACENT PROPERTY OWNER(S)

PARCEL ID	NAME	C/O	ADDRESS	CITY	STATE	ZIP
201DD00101	WARNER PAMELA S ETVIR WARNER JEFFREY		1725 CORCUS FERRY ROAD	HAMPSTEAD	NC	28443
2010001201	VICKERS ADRIAN ET JANICE		1940 SUNSET HARBOR RD SE	BOLIVIA	NC	28422
2010001101	SOUTH BRUNSWICK HOLDINGS LLC		6131 DORSETT PLACE	WILMINGTON	NC	28403
20100048	GILBERTO BAEZ ASENCIO ETALS		1208 ZACK ST SE	BOLIVIA	NC	28422
201DE002	SANBORN JAMIE K ETVIR SANBORN WAYNE C		1233 ZACK ST	BOLIVIA	NC	28422
201DE003	HALL MARGIE Z TRUSTEE		1229 ZACK STREET SE	BOLIVIA	NC	28422
201DE005	FUNDERBURKE ARTHUR H ETUX BRANDY		1221 ZACK ST	BOLIVIA	NC	28422
20100047	SMITH GARY L TR & GARY L SMITH CUST		1194 EASY STREET SE	BOLIVIA	NC	28422
201DE010	BURGESS HERMAN ETUX AUDREY		4909 TUPELO DR	WILMINGTON	NC	28411
201DE007	BLEVINS ORA RON		1000-A PICKERELL DRIVE	SOUTHPORT	NC	28461
201DE008	BUCK RETHA H		1205 ZACK STREET SE	BOLIVIA	NC	28422
201DE009	BRINKMAN MARCIA A & JOHN R DENNIS		1199 ZACK STREET SE	BOLIVIA	NC	28422
2010005201	WEBBER PAUL M ETUX LAURA B		1191 ZACK STREET	BOLIVIA	NC	28422
2010001307	DJC ENTERPRISES LLC		3623 RIVERVIEW LANE SW	SUPPLY	NC	28462

OWNER(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
20100049	EVANS GENE MICHAEL	645 DARBY ST SE	BOLIVIA	NC	28422
20100052	FRANK MARSHALL J SR	106 MOCKINGBIRD DRIVE	HENDERSONVILLE	NC	28792

APPLICANT(S)

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
20100049	EVANS GENE MICHAEL	645 DARBY ST SE	BOLIVIA	NC	28422

OTHER INTERESTED PARTIES

PARCEL ID	NAME	ADDRESS	CITY	STATE	ZIP
--	LIZ BAUCOM	MARGARET RUDD & ASSOCIATES INC. REALTORS 210 COUNTRY CLUB DRIVE	OAK ISLAND	NC	28465