



AGENDA BRUNSWICK COUNTY PLANNING BOARD

*6:00 P.M. Monday
May 9, 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 April 11, 2016 Meeting.
- 6) Agenda Amendments.
- 7) Public Comment.
- 8) 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.
- 9) Other Business.
 - A. Planning Board Cases Update
- 10) Adjournment.

MINUTES

PLANNING BOARD

BRUNSWICK COUNTY, NC

**6:00 P.M. Monday
April 11, 2016**

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

MEMBERS PRESENT

Joy Easley, Vice Chair
Cynthia Henry
Michael Polychrones
Troy Price
Chris Stanley
Joe Johnson
Randy Ward

MEMBERS ABSENT

Eric Dunham, Chair

STAFF PRESENT

Kirstie Dixon, Planning Manager
Connie Marlowe, Admin. Asst.
Bob Shaver, County Attorney

OTHERS PRESENT

Mark Bianchi
Lewis Dozier

Barron Young
John Hankins

I. CALL TO ORDER.

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

II. INVOCATION/PLEDGE OF ALLEGIANCE.

Mrs. Henry 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 was absent.

IV. CONSIDERATION OF MINUTES OF THE 14-MAR-16 MEETING.

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

V. AGENDA AMENDMENTS.

There were no agenda amendments.

VI. PUBLIC COMMENT.

There were none.

VII. PUBLIC HEARINGS.

A. Rezoning Z-737 – Mark Bianchi

Request to rezone approximately 9.59 acres located at 7969 and 7935 River Road SE (NC 87) and off Long Beach Road SE (NC 133) near Southport, NC from R-7500 (Medium Density Residential) and C-LD (Commercial Low Density) to C-LD (Commercial Low Density) for Tax Parcels 2050002505 (Added by Staff), 2050002506 (Added by Staff), 2050002508 and 2050002509.

Ms. Dixon addressed the Board. She read the Staff Report (attached). She identified the subject property and surrounding properties on a visual map. Ms. Dixon said staff recommends approval from R-7500 (Medium Density Residential) and C-LD (Commercial Low Density) to C-LD (Commercial Low Density) for Tax Parcels 2050002505 (Added by Staff), 2050002506 (Added by Staff), 2050002508 and 2050002509.

Mrs. Henry asked Ms. Dixon which parcel is owned by the North Carolina Department of Transportation (NCDOT)? Ms. Dixon said NCDOT owns Tax Parcel 2050002505, which is currently split-zoned and part of the proposed zoning change added by staff.

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

Mr. Mark Bianchi addressed the Board. Mr. Bianchi said he and his family own a business (Tax Parcels 2050002504) on River Road SE (NC 87) and they recently purchased Tax Parcel 2050002509 for outdoor storage purposes for the existing business.

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

The Board discussed the worksheet and concluded the following:

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

Yes. There is similar zoning nearby and the area is in transition.

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

Yes. This rezoning request is located in the Southport Elementary School District, which has adequate capacity; South Brunswick Middle School District has adequate capacity; and South Brunswick High School District has a two year capacity warning. The proposed use is not expected to generate a demand on schools.

This rezoning is located in the Southport Fire District.

Water is available by Brunswick County Utilities via a twenty four inch (24") line off River Road SE (NC 87). Sewer is available by Brunswick County Utilities via a twelve inch (12") line off River Road SE (NC 87). It is the developer's responsibility to connect to the water and sewer systems.

This rezoning has access off Long Beach Road SE (NC 133) [new Long Beach Road], which does not have any capacity deficiencies at this time and River Road SE (NC 87), which is over capacity. There are two (2) North Carolina Department of Transportation (NCDOT) Transportation Improvement Program (TIP) Project in this area.

- R-5021 is the widening of NC 211 from Midway Road SE (SR 1500) to NC 87. The Right-of-Way is in progress and completion is anticipated 2020.
- B-5627 is replacing Bridge No. 11 over Orton Pond Creek. The Right-of-Way purchase is anticipated in 2020 and completion is anticipated 2021.

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

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

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

Yes. There were no objections from the public and the applicant's intended use is to expand the existing business for outdoor storage purposes.

THEREFORE, on the basis of all the foregoing, Mr. Polychrones made a motion to recommend to the Board of Commissioners to approve from R-7500 (Medium Density Residential) and C-LD (Commercial Low Density) to C-LD (Commercial Low Density) Tax Parcels 2050002505 (Added by Staff), 2050002506 (Added by Staff), 2050002508 and 2050002509. The motion was unanimously carried.

B. Rezoning Z-738 – Barron Young

Request to rezone approximately 2.53 acres located at 2745 Holden Beach Road SW (NC 130) near Holden Beach from R-7500 (Medium Density Residential) and C-LD (Commercial Low Density) to C-LD (Commercial Low Density) for Tax Parcel 232HD003.

Ms. Dixon addressed the Board. She read the Staff Report (attached). She identified the subject property and surrounding properties on a visual map.

Ms. Dixon said staff recommends approval from R-7500 (Medium Density Residential) and C-LD (Commercial Low Density) to C-LD (Commercial Low Density) for Tax Parcel 232HD003.

Ms. Easley asked Ms. Dixon the type of units located in Caison's Creek PUD? Ms. Dixon said there are condominiums in Caison's Creek PUD. She further stated that the owner of the subject property developed Caison's Creek PUD and it was noted in the plan that this particular area was proposed for future development. The subject property was not included in the boundary of Caison's Creek PUD when it was developed.

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

Ms. Barron Young addressed the Board. Mr. Young said his family developed Caison's Creek PUD and their intent is to develop a multi-tenant strip to service the surrounding community. Mrs. Henry asked Mr. Young to define the intended use of the property. Mr. Young said a multi-tenant strip houses several tenants with different commercial uses. Ms. Dixon reminded the Board that the rezoning is based on all permitted uses in C-LD and not a specific use.

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

The Board discussed the worksheet and concluded the following:

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

Yes. There is similar zoning nearby.

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

Yes. This rezoning request is located in the Virginia Williamson Elementary School District, which has adequate capacity; Cedar Grove Middle School has adequate capacity; and West Brunswick High School District has adequate capacity.

This rezoning is located in the Tri-Beach Fire District.

Water is available by Brunswick County Utilities via a twelve inch (12") line off Holden Beach Road SW (NC 130). Sewer is available by Brunswick County Utilities via an eighteen inch (18") line off Holden Beach Road SW (NC 130). It is the developer's responsibility to connect to the water and sewer systems.

This rezoning has access off both Holden Beach Road SW (NC 130), which is over capacity and Caison's Creek Drive SW), which does not have any capacity deficiencies at this time. There are no North Carolina Department of Transportation (NCDOT) Transportation Improvement Program (TIP) Project in this area.

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

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

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

Yes. There were no objections from the public.

THEREFORE, on the basis of all the foregoing, Mr. Polychrones made a motion to recommend to the Board of Commissioners to approve from R-7500 (Medium Density Residential) and C-LD (Commercial Low Density) to C-LD (Commercial Low Density) Tax Parcel 232HD003. The motion was unanimously carried.

VIII. OTHER BUSINESS.

- Planning Board Cases Update

Ms. Dixon addressed the Board. She stated that Z-736 was approved to C-LD along with a Land Use Plan amendment at the 07-Mar-16 Board of Commissioners meeting. The conditional use zoning case Z-734CZ was tabled at the 01-Feb-16 Board of Commissioners meeting because there was an adjacent property owner opposed to the rezoning and the Board of Commissioners asked staff to gather additional information. Ms. Dixon said Z-734CZ was considered at the 07-Mar-16 Board of Commissioners meeting and it was approved as no opposition was present at that particular meeting. Ms. Dixon said that the UDO Refinements were also approved at the 07-Mar-16 Board of Commissioners meeting. She concluded that the Hazard Mitigation Plan was adopted by the Board of Commissioners at their 04-Apr-16 meeting, which was previously endorsed by the Planning Board.

Mr. Stanley asked Ms. Dixon for an update on the Greenway/Blueway Plan. Ms. Dixon provided the Board with a brief status report.

Ms. Easley congratulated Ms. Dixon on her new position as the planning manager.

IX. ADJOURNMENT.

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

Farmers Markets/Farm Stands

Farmers Markets/Farm Stands may be permanent or temporary in nature. Permanent markets must structurally comply with the International Building Code with North Carolina Amendments. Currently Farmers Markets are permitted in the RR, R-7500, C-LD, NC, C-I and RU-I Zoning Districts. Farm Stands are permitted outright in the RR, C-LD, NC, RU-I and CP Zoning Districts. They are permitted with limitations in the R-7500 Zoning District

Currently temporary Farmers Markets/Farm Stands may apply for a Temporary Use Permit to sell produce two (2) days per week for up to 12 consecutive weeks, except in the Rural Low Density Residential (RR) Zoning District, where there is no limit on the number of days and no temporary use permit requirement. Items are typically sold in a small stand or out of the back of a truck or trailer, thus the "temporary" designation. While many local Brunswick County farmers grow produce for sale in rural Brunswick County, the foot/vehicle traffic is not there to support the sale of crops where the crops are grown.

The limitations of the current ordinance make it difficult for Brunswick County farmers to have off-premise farmers markets/farm stands throughout the expanded growing season and in high traffic areas, which often have commercial or mixed-use zoning designations. Associated signage is important as well.

Proposed Solution

- Clarify the UDO by amending the Brunswick County Unified Development Ordinance to combine Farmers Markets/Farm Stands into one use, but separating them in the Permitted Use Table (Section 5.2.3.) to either Permanent or Temporary.
- Allow Temporary Farmers Market/Farm Stands in the R-7500, R-6000 and SBR-6000 Zoning Districts with appropriate standards outlined in Section 5.5.3.D. of the UDO.
- Amend Section 5.5.3.D. Farmers Markets to address the expanded growing season and the need to have the market/stands more accessible to the community.
- Clarify Section 8.7.13 Temporary Farm Product Signs to address the needs of those who wish to sell in a temporary setting during the harvest season.
- Define Farmers Market and Farm Stand in the Definitions Section of the UDO.

Section 5.2.3. Use Table

- Farmers Market/Farm Stands (Permanent) permitted in the RR, R-7500, C-LD, NC, C-I and RU-I Zoning Districts.

- Farmers Market/Farm Stands (Temporary) permitted in the RR, C-LD, NC, C-I, RU-I and CP Zoning Districts; permitted with limitations in the R-7500, R-6000 and SBR-6000 Zoning Districts.

Section 5.3.3.E. Farmers Markets/Farm Stands (Permanent)

This use is considered a commercial use and must meet all of the commercial development requirements outlined in the Brunswick County Unified Development Ordinance (UDO). Farmers markets/farm stands having no more than 1,000 square feet of area, participating in the North Carolina Department of Agriculture and Consumer Services Certified Roadside Farm Market Program and operating no more than 180 days per calendar year may be exempted from the requirement to have restroom facilities, consistent with the International Building Code with North Carolina Amendments.

Section 5.5.3.D. Farmers Markets/Farm Stands (Temporary)

Current Text

- D. Farmers markets are allowed two days a week. When issuing the temporary use permit authorizing the farmers market, the Planning Director may approve up to 12 consecutive farmers markets that will occur on the same site. When occurring in the RR zoning district, a farmers market shall not require a temporary use permit and there shall be no limit on the number of days a farmers market may operate.

Proposed Text Amendment

- D. Temporary Farmers Markets/Farm Stands are allowed two days a week. When issuing the temporary use permit authorizing the farmers market/farm stand, the Planning Director may approve up to 12 consecutive weeks for farmers markets/farm stands that will occur on the same site. ~~When occurring in the RR zoning district, a farmers market shall not require a temporary use permit and~~ Temporary Farmers markets/farm stands may operate up to 180 days per calendar year with a temporary use permit, provided they meet **one** of the following criteria: (1) locate on a parcel in the RR Zoning District; (2) participate in the Brunswick County Voluntary Agricultural District (VAD); or (3) are certified by the North Carolina Department of Agriculture as a participant in the Certified Roadside Farm Market Program. When issuing the temporary use permit authorizing the farmers market/farm stand, the applicant must indicate the dates on which the farmers market/farm stand will operate. All temporary Farmers Markets/Farm Stands are subject to the following:
1. Sufficient on-site parking must be provided to allow unobstructed movement into and out of each parking space without interfering with fixed

- objects such as lighting, fixtures, dumpsters, signage or vehicles and without requiring the use of a public street or alley.
- 2. No parking associated with the farmers market/farm stand may take place within a public right-of-way.
- 3. A thirty foot (30') buffer area shall be established along any side or rear of the property line where the temporary farmers market/farm stand abuts a residential use in a residential zoning district. Merchandise and parking shall not be located in the buffer area.
- 4. Merchandise shall only be displayed during the hours of operation, and must be removed at closing.
- 5. Temporary signage must be consistent with Section 8.7.13.A. of the Brunswick County UDO.
- 6. In addition to the temporary on-premises and off-premises signage permitted in Section 8.7.13.A. of the UDO, signage may be physically located on the display unit, not to exceed a total of 32 square feet in area. The signage may not be illuminated.
- 7. The farmers market/farm stand may operate during daylight hours only.

Section 8.7.13.A. Temporary Farm Product Signs

Current Text

A. Description

Seasonal sale of farm products raised on the premises where products are raised as an accessory to an agricultural use.

B. Standards

- 1. One on-premises sign may be allowed. Said sign shall be located off the street right-of-way and at least nine feet away from any side lot line. Such sign may have a maximum area of 32 square feet and may not be illuminated.
- 2. A maximum of two off-premises signs shall be allowed. Said off-premises signs may have a maximum area of 32 square feet each and may not be illuminated. No such sign may be placed in a right-of-way.

Proposed Text Amendment

A. Description

Temporary signage for seasonal sale of farm products ~~raised on the premises where products are raised as an accessory to an agricultural use.~~

B. Standards

- 1. One on-premises sign may be allowed at the sales site during hours of operation. Said sign shall be located off the street right-of-way and at least nine feet away from any side lot line. Such sign may have a maximum area of 32 square feet and may not be illuminated.

2. A maximum of two off-premises signs shall be allowed during hours of operation. Said off-premises signs may have a maximum area of 32 square feet each and may not be illuminated. No such sign may be placed in a right-of-way.
3. All temporary signage must be removed at the end of each day.

Appendix and Definitions

Definitions

Farmers Market: A site where agricultural products from two or more farmer-producers are sold directly to the general public at a fixed location, which includes fruits and vegetables, honey, meat, seafood, poultry, dairy products, and grains.

Farm Stand: A site where agricultural products from one farmer-producer is sold directly to the general public at a fixed location, which includes fruits and vegetables, honey, meat, seafood, poultry, dairy products, and grains.