

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
February 9, 2015

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

MEMBERS PRESENT

Steve Candler, Chair
Cynthia Henry
Joy Easley
Randy Ward
Joe Johnson, Alternate

MEMBERS ABSENT

Chris Stanley
Troy Price
Eric Dunham, Vice Chair

STAFF PRESENT

Michael Hargett, Director
Helen Bunch, Zoning Administrator
Kirstie Dixon, Planner II
Connie Marlowe, Admin. Asst.
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

John Hankins
Greg Bellamy
Dan Weeks

Lewis Dozier
Donna McGowan
Cecil Rhodes

I. CALL TO ORDER.

The Chair called the meeting to order at 6:03 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE.

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

III. ROLL CALL.

Mr. Chris Stanley, Mr. Troy Price, and Mr. Eric Dunham were absent.

IV. CONSIDERATION OF MINUTES OF THE 12-JAN-15 MEETING.

Mrs. Henry noted a correction on page 2, last paragraph, last sentence should say, "He further stated that one property owner (Tax Parcel 2290004503) indicated that they will be using their property for industrial purposes in the further future". Mrs. Henry made a motion to approve the minutes with the noted correction and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

The Chair amended the agenda to move Item B before Item A under Item 10. Public Hearings. Mrs. Easley made a motion to approve the agenda amendment and the motion was unanimously carried.

VI. PUBLIC COMMENT.

Mr. Cecil Rhodes addressed the Board. Mr. Rhodes said he supports allowing single family residences in the MR-3200 (Multifamily Residential) Zoning District. He also thanked Ms. Dixon and other staff members for their assistance in this matter.

VII. PRESENTATION – VOLUNTARY AGRICULTURAL DISTRICT (VAD) 2015 ANNUAL REPORT.

Ms. Dixon addressed the Board. She stated that Mr. Mark Blevins was unable to attend the meeting, but he provided a video regarding the VAD 2015 Annual Report. Via the video, Mr. Blevins said VAD encompasses over 27,000 acres and there are approximately 200 farmers in the program. He stated that property must be 3 acres of active production that is not in a subdivision to be included in the VAD. Mr. Blevins thanked the Board and staff for supporting the VAD program. He further stated that the VAD is a \$41 million dollar agriculture industry in the County.

VIII. REQUEST FOR EXTENSION OF PLANNED UNIT DEVELOPMENT APPROVAL – SALTBOX BAY (SE-189)

Ms. Dixon addressed the Board. She stated that Saltbox Bay PUD is requesting an extension of time until 01-Jan-17. She stated that the PUD was originally approved 10-Aug-09 consisting of approximately 154 cottage units on 29.59 acres with a density of 5.2 units per acre. Ms. Dixon said the project is in the preliminary stages and staff recommends approval. Mr. Johnson made a motion to approve the extension of time to 01-Jan-17 for Saltbox Bay PUD and the motion was unanimously carried.

IX. PUBLIC HEARING AND CONSIDERATION OF THE FOLLOWING REZONINGS.

- A. Clarification of proposed revisions to various provisions of the Unified Development Ordinance (UDO).

Ms. Henry made a motion to open the Public Hearing and the motion was unanimously carried.

Mr. Hargett addressed the Board. He stated that the proposed revisions are clarifications (attached) to be included in the Unified Development Ordinance (UDO) as part of the amendments previously recommended for approval to the Board of Commissioners. Mr. Hargett proceeded to discuss the 5 clarifications previously emailed to the Board. He discussed an additional change regarding bulk LP storage sites that would allow for two 30,000 gallon tanks on-site with certain provisions. Mr. Hargett said staff met with the Fire Marshal to address this matter and the Fire Marshal supports the proposed change.

Mrs. Henry asked staff if the net increase on Item 4 regarding reducing the minimum open space requirements for Planned Development projects is for recreation and/or open space? Mr. Hargett stated that the net increase is for active recreational areas because staff is proposing to reduce the overall minimum open space requirement. Mr. Hargett said staff proposed such based on discussions with the Board regarding Planned Development projects having a reduction in open space requirements. The Chair added that some of the past requirements for open space could be wetlands which is passive recreational space, but this will be a trade-off for useable recreational space.

Mrs. Henry asked staff the current requirements for LP storage sites? Mr. Hargett said the UDO currently allows for 1,000 gallon tanks, but suppliers have said that is inadequate as the demand has increased for LP gas. He stated that Ms. Bunch met with the Fire Marshal and he supports the proposed clarifications because the industry is self-regulated and the safety of the containers is achieved.

Ms. Donna McGowan, resident of Oyster Harbour, addressed the Board. Ms. McGowan was in favor of single family residences being allowed in the MR-3200 Zoning District.

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

The Chair asked staff if the 30,000 gallon tanks are the long tanks? Ms. Bunch said they are 15 feet long. The Chair asked staff if a larger tank (60,000 gallons) would be permitted? Mr. Hargett said staff discussed allowing up to 60,000 gallon tanks, but they decided to allow two 30,000 gallon tanks and the suppliers agreed that would suffice.

Mr. Ward made a motion to recommend to the Board of Commissioners to approve the proposed clarifications and the motion was unanimously carried.

B. Rezoning Z-728 – Paramounte Engineering Inc. (%Dan Weeks)

Request to rezone approximately 138.80 acres located off Southport-Supply Road SE (NC 211) near St. James from C-I (Commercial Intensive) to C-LD (Commercial Low Density) for Tax Parcels 20400009, 20400010, 20400011, 20400012, 20400013, 20400014, and 20400048.

Land Use Plan Map Amendment LUM-728:

Request to amend approximately 56.25 acres located off Southport-Supply Road SE (NC 211) near St. James from Industrial to Commercial for Tax Parcel 20400048.

The Chair explained the process the Board would take in regards to the Public Hearing. He asked that the public keep all comments brief and address the matter at hand. The Chair stated that those persons for or against the matter at hand will be given an opportunity to speak.

The Chair said once the Public Hearing portion is over, the public would not be allowed to address the Board on Public Hearing matters when the Board begins their discussion on the matter at hand. The Chair stated that when the Board makes their decision, the Board will make a recommendation to the Board of Commissioners and they will make the final decision as to whether a request will be granted or denied.

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

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

Mr. Dixon said staff recommends approval from C-I (Commercial Intensive) to C-LD (Commercial Low Density) for Tax Parcels 20400009, 20400010, 20400011, 20400012, 20400013, 20400014, and 20400048 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map from Industrial to Commercial for Tax Parcel 20400048 near St. James.

Mrs. Henry asked about the mining activity in the area. She asked if mining is permitted in the proposed zoning change? Ms. Dixon identified the area where the mining activity occurs. She stated that the mining activity is in conjunction with the North Carolina Department of Transportation's (NCDOT) project with the extension of Long Beach Road SE, in which dirt is being transfer from this property to that project site. She further stated that once that project is complete, the mining activity will cease.

Mr. Dan Weeks addressed the Board on behalf of the owner. He stated that the subject property has 2,400 linear feet of road frontage on Southport-Supply Road SE (NC 211) and there is an 18 acre pond on the rear of the property with creative design. Mr. Weeks said the requested zoning change will be a down zoning. He stated that the property in question currently adjoins C-LD zoning, which is the requested zoning change. Mr. Weeks said they intend to develop the property with a mixture of uses. He further stated that this is the first layer of approval as the intended use of the property will require the Board of Adjustment approval. Mr. Weeks said they feel that the demographics in the area supports a commercial project.

With no further comments, Mrs. Henry 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; South Brunswick Middle School District is out-of-capacity; and South Brunswick High School District is out-of-capacity.

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

Water is available by Brunswick County Utilities via a twelve inch (12") line off Southport-Supply Road SE (NC 211) and St. James Drive SE. However, water is not located in front of the rezoning site and would have to be extended to the site from the entrance into St. James Plantation. Sewer is available by Brunswick County Utilities via a sixteen inch (16") force main off Southport-Supply Road SE (NC 211). It is the developer's responsibility to extend lines and connect to the water and sewer systems.

This rezoning has access off Southport-Supply Road SE (NC 211), which is currently over capacity. There are two (2) North Carolina Department of Transportation (NCDOT) Transportation Improvement Program (TIP) Projects in this area.

- R-3324 is a new route from Southport-Supply Road SE (NC 211) to NC 87 at Bethel Road. This project is under construction and scheduled for completion November 2015.
- R-5021 is the widening of Southport-Supply Road SE (NC 211) from Midway Road SE to NC 87. This project is in the planning and design phase and construction is scheduled to begin 2017.

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

No. Tax Parcel 20400048 is not consistent with the CAMA Land Use Plan; however, an amendment has been requested.

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

Yes. There appears to be a need for commercial activity in the area to accommodate the existing residential dwellings and there were no objections from the public.

THEREFORE, on the basis of all the foregoing, Mrs. Easley made a motion to recommend to the Board of Commissioners to approve from C-I (Commercial Intensive) to C-LD (Commercial Low Density) Tax Parcels 20400009, 20400010, 20400011, 20400012, 20400013, 20400014, and 20400048 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map from Industrial to Commercial for Tax Parcel 20400048 near St. James. The motion was unanimously carried.

X. OTHER BUSINESS.

Mr. Hargett addressed the Board. He stated that he attended a session at UNC-W regarding Adult Scholars that is an annual program sponsored by UNC-W. Mr. Hargett said he sat on a panel with representatives from New Hanover County and the City of Wilmington. He stated that most of the attendees were from Brunswick County and they had interest in the growth and development of the County.

XI. ADJOURNMENT.

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

SE-189

Harbour Town Investments, LLC

RE: Saltbox Bay

January 27, 2015

Dear Sir or Madam:

As conveyed to Kirstie Dixon in December, we are moving forward with development of the Saltbox Bay project on Seashore Road, off Holden Beach Rd. While economic conditions prevented productive development of the site since approval of the PUD, we feel strongly that present conditions offer such an opportunity.

Our efforts during the latter half of December and January include having our Engineers and Land Planners review work previously completed. These firms are Stroud Engineering and Stewart (formerly Haden Stanziale), respectively. Also, we have contacted the Brunswick County Utilities Department to gauge the most logical path for bringing sewer to the site.

Based on the foregoing efforts, as well as favorable market conditions, I respectfully request a two-year extension to avoid expiration of the Planned Unit Development for this project. Your favorable consideration is much appreciated in this matter. At your convenience I am available to discuss further.

Most sincerely,



Pete Gratale

7211 Ogden Business Lane
STE 201
Wilmington NC 28411
910.409.3339

4. Reduce minimum open space requirement for Planned Development projects from 20, 30, 35 and 40 percent to 15, 20, 25 and 30 percent respectively in the RR, R-7500, R-6000 and MR-3200 districts.

Increase requirement for useable recreation area in required open space from 12.5% to 15% (*net increase of 2.5%*) in view of open space area requirement reductions.

5. Reduce minimum required buffer adjoining existing utility or drainage easements from 100 to 50 feet.
6. Bulk LP storage sites with up to two 30,000 gallon tanks, subject to State requirements and opaque buffer of evergreen plantings when adjacent to residences or public streets.

1. Add single family residential as a permitted use in the MR-3200 district with minimum lot size of 10,000sf without water and sewer and 6,000sf with water and sewer.

2. Allow up to three single family residences as principal structures on a lot, minimum one acre in size, in all residential districts new dwellings subject to meeting all area, dimensional and other requirements.

Allow additional residences in the RR district as follows:

<u>Lot size</u>	<u>Dwellings</u>
10 Acres – 19.99 Acres	4
20 Acres – 29.99 Acres	5
30 Acres – 39.99 Acres	6
40 Acres – 49.99 Acres	7
50 Acres or more	8

3. Allow walls or fences with 15 and 10 feet of plantings respectively for the 0.4 opacity buffer.

REZONING STAFF REPORT

Date: January 28, 2015

Case#: Z-728

Tax Parcel(s): 20400009, 20400010, 20400011, 20400012, 20400013,
20400014, and 20400048

Acreage: 138.80

Applicant(s): Paramounte, Inc. / Dan Weeks (NC 211 near St. James)



APPLICATION OVERVIEW:

The applicant is seeking to rezone Tax Parcels 20400009, 20400010, 20400011, 20400012, 20400013, 20400014, and 20400048 to CLD and change the Land Use Map to Commercial for Tax Parcel 20400048. The owner and adjacent owners have been notified of the proposed rezoning and land use plan amendment via first class mail.

ZONING ANALYSIS

Proposed Zoning Request:

From: CI (Commercial Intensive)

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: CI & CLD(Oak Island Jurisdiction)

South: CI, R-7500 & PUD(St. James Jurisdiction)

East: CI

West: CLD & CI

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	Not available	Not available
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 5 canopy 0 understory 9 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: Commercial & Industrial

Consistent with the Land Use Plan Map
(Tax Parcels 20400009, 20400010, 20400011,
20400012, 20400013, & 20400014)

Not Consistent with Land Use Plan Map
(Tax Parcel 20400048)

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.17 states that Brunswick County encourages/supports commercial development (nodes) at the intersections of major roads consistent with the County's future land use map.
- 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 encourages 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
New Middle School	FY 2017
Vocational High School	FY 2018 & 2019
211 Plant Improvements	FY 2015 & 2018
Smithville Park Improvements	FY 2015 & 2016

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. St. James Plantation and Arbor Creek PUD are located nearby. Commercial activity has been occurring in the area with a hotel and funeral home recently completed and as well as several areas approved for additional commercial activities. The rezoning is located next to the Town of St. James & the Town of Oak Island.

The rezoning site is located in the Morehead Farms Inc. Subdivision recorded on July 19, 1989. *Currently mining is occurring on the rezoning site.*

INFRASTRUCTURE AND SERVICE IMPACTS

SCHOOL CAPACITY:

<u>Elementary School:</u> <u>Virginia Williamson</u>	<u>Middle School:</u> <u>South Brunswick</u>	<u>High School:</u> <u>South Brunswick</u>
<input checked="" type="checkbox"/> Adequate Capacity	<input 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 checked="" 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
Southport-Supply Rd (NC 211)	Over

NCDOT PROJECTS AND STUDIES: **NONE**

Project	Project Type	Project Description	Status
R-3324	TIP	New Route from NC 211 to NC 87 at Bethel Rd	Under Construction Completion November 2015
R-5021	TIP	Widening of NC 211 from Midway Road to NC 87	Planning & Design In Progress Construction 2017

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: 12 inch line
LOCATION: NC 211 & St. James Dr.

SEWER: Not Available Available

PROVIDER:

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

SIZE OF WATER LINE: 16-inch force main
LOCATION: NC 211

Water is not located in front of the rezoning site and would have to be extended to the site from the entrance into St. James Plantation. It is the developer's responsibility to extend lines and connect to the water and sewer system.

ENVIRONMENTAL IMPACTS

- Located within a FEMA Flood Hazard Zone (AE).
- Located near a watercourse/water body (Alligator Branch).
- 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 (Boiling Spring Lakes Wetland Complex).

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, Industrial, and LDR in the Brunswick County CAMA Land Use Plan.
- Located within a growth corridor.
- Classified as a Bona Fide Farm.
- Located within a Fire District (St. James).
- Located within 1/2 mile of a Voluntary Agricultural District (VAD).
- Cemetery known to be located near the rezoning.
- Historic Site(s) known to be located near the rezoning.

STAFF RECOMMENDATION SUMMARY

Staff recommends APPROVAL TO CLD IN CONJUNCTION WITH A LAND USE PLAN AMENDMENT TO COMMERCIAL FOR TAX PARCEL 20400048 based upon information provided, surrounding area, current uses, the Brunswick County CAMA CORE Land Use Plan, and other adopted Brunswick County plans and policies.