

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
January 12, 2015

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

MEMBERS PRESENT

Steve Candler, Chair
Eric Dunham, Vice Chair
Cynthia Henry
Joy Easley
Troy Price
Chris Stanley
Randy Ward

MEMBERS ABSENT

None

STAFF PRESENT

Michael Hargett, Director
Connie Marlowe, Admin. Asst.
Marc Pages, Land Planner
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

John Hankins
Crystal White
Linda Stephens

Joe Johnson, Alternate
John Parsons

I. CALL TO ORDER.

The Chair called the meeting to order at 6:06 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.

There were no members absent.

IV. CONSIDERATION OF MINUTES OF THE 08-DEC-14 MEETING.

Mr. Ward 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 HEARING AND CONSIDERATION OF THE FOLLOWING REZONINGS.

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.

A. Rezoning Z-726 – Brunswick County Planning & Community Development

Request to rezone approximately 192.33 acres located at 4237, 4249, 4311, 4335, 4415, 4489, 4495, 4569, and 4651 Todd Road SW (SR 1147) near Shallotte, NC from Undesignated and IG (Industrial General) to IG (Industrial General) and R-7500 (Medium Density Residential) for Tax Parcels 2290003205, 2290003208, 2290003217, 22900044, 2290004402, 2290004404, 2290004405, 2290004503, and a portion of 22900005201.

Land Use Plan Map Amendment LUM-726:

Request to amend approximately 192.33 acres located 4237, 4249, 4311, 4335, 4415, 4489, 4495, 4569, and 4651 Todd Road SW (SR 1147) near Shallotte, NC from Undesignated and Industrial to Industrial and LDR (Low Density Residential) for Tax Parcels 2290003205, 2290003208, 2290003217, 22900044, 2290004402, 2290004404, 2290004405, 2290004503, and a portion of 22900005201.

Mr. Pages addressed the Board. He read the Staff Report (attached). He identified the subject property and surrounding properties including the Register Cemetery and a mining pit that is no longer operating on a map displayed on an overhead projector. He further stated that one property owner (Tax Parcel 2290004503) indicated that they will be using their property for industrial purposes in the future.

Mr. Pages said staff recommends approval from Undesignated and IG (Industrial General) to IG (Industrial General) and R-7500 (Low Density Residential) for Tax Parcels 2290003205, 2290003208, 2290003217, 22900044, 2290004402, 2290004404, 2290004405, 2290004503, and a portion of 22900005201 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map from Undesignated and Industrial to Industrial and LDR (Low Density Residential) for Tax Parcels 2290003205, 2290003208, 2290003217, 22900044, 2290004402, 2290004404, 2290004405, 2290004503, and a portion of 22900005201 located at 4237, 4249, 4311, 4335, 4415, 4489, 4495, 4569, and 4651 Todd Road SW (SR 1147) near Shallotte, NC.

Mrs. Henry asked staff if tax parcel numbers could be placed on the map(s) as an identifier of properties? She, specifically, wanted to know which property houses the cell tower and residence. Mr. Pages identified those parcels on a map displayed on the overhead projector.

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

Ms. Crystal White addressed the Board. Ms. White said she and her husband own property in the area and they are concerned how the proposed zoning will impact the area. She asked staff to define industrial general zoning? Mr. Pages read permitted and permissible uses in the IG zoning district. Ms. White asked staff if the property owner of Tax Parcel 2290004305 indicated what type of industry they will be developing on the property? Mr. Pages said there is a cell tower on the site, but they made no indication of how the property will be developed in the future.

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

Mrs. Henry asked if there is a home on the property where the cemetery is located? Mr. Pages replied, no.

Mr. Dunham asked if the undesignated portion was IG? Mr. Pages said the property was in the Town of Shallotte and the property has been de-annexed as part of Session Law 2014-68 (SB846); thus, becoming a part of the County's planning and zoning jurisdiction. The Board asked about surrounding properties and Mr. Pages identified the developed and undeveloped properties in the area.

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 Union Elementary School District, which has adequate capacity; Shallotte Middle School District has adequate capacity; and West Brunswick High School District is out-of-capacity.

This rezoning is located in the Shallotte Point Fire District.

Water is available by Brunswick County Utilities via an eight inch (8") main off Todd Road SW (SR 1147). Sewer is not available at this time. It is the developer's responsibility to connect to the water system.

This rezoning has access off Todd Road SW (SR 1147), which have no capacity deficiencies at this time. There are no North Carolina Department of Transportation (NCDOT) Transportation Improvement Program (TIP) Projects and Studies in this area.

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

No. However, an amendment has been requested.

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

Yes. There is similar zoning nearby and there were no objections to the proposed zoning change.

THEREFORE, on the basis of all the foregoing, Mrs. Henry made a motion to recommend to the Board of Commissioners approval from Undesignated and IG (Industrial General) to IG (Industrial General) and R-7500 (Medium Density Residential) Tax Parcels 2290003205, 2290003208, 2290003217, 22900044, 2290004402, 2290004404, 2290004405, 2290004503, and a portion of 22900005201 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map from Undesignated and Industrial to Industrial and LDR (Low Density Residential) for Tax Parcels 2290003205, 2290003208, 2290003217, 22900044, 2290004402, 2290004404, 2290004405, 2290004503, and a portion of 22900005201 located at 4237, 4249, 4311, 4335, 4415, 4489, 4495, 4569, and 4651 Todd Road SW (SR 1147) near Shallotte, NC. The motion was unanimously carried.

B. Rezoning Z-727 – Brunswick County Planning & Community Development

Request to rezone approximately 4.75 acres located at 1409 Ocean Highway (US 17) near Shallotte, NC from Undesignated to C-LD (Commercial Low Density) for Tax Parcel 1670006006.

Land Use Plan Map Amendment LUM-727:

Request to amend approximately 4.75 acres located at 1409 Ocean Highway (US 17) near Shallotte, NC from Undesignated to Commercial for Tax Parcel 1670006006.

Mr. Pages addressed the Board. He read the Staff Report (attached). Mr. Pages said the property was in the Town of Shallotte and the property has been de-annexed as part of Session Law 2014-68 (SB846); thus, becoming a part of the County's planning and zoning jurisdiction. He identified the subject property and surrounding properties on a map displayed on an overhead projector.

Mr. Pages said staff recommends approval from Undesignated to C-LD (Commercial Low Density) for Tax Parcel 1670006006 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map from Undesignated to Commercial for Tax Parcel 1670006006 located at 1409 Ocean Highway (US 17) near Shallotte, NC.

Mr. Dunham asked staff about the property (Tax Parcel 1670006004) that is in the Town of Shallotte (currently zoned B-2)? Mr. Pages said that particular parcel will remain in the Town of

Shallotte's planning and zoning jurisdiction. Mrs. Henry asked why C-LD is proposed by staff? Mr. Pages said there is an existing retail business (burial plots) on the site and there is commercial zoning in close proximity to the subject property. Mr. Hargett said rezoning typically conforms to adjoining property.

Mr. Dunham made a motion to open the Public Hearing and the motion was unanimously carried. With no further comments, Mr. Dunham 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 in close proximity.

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

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

This rezoning is located in the Supply Fire District.

Water is available by Brunswick County Utilities via a thirty inch (30") main off US 17. Sewer is available by Brunswick County Utilities via an eight inch (8") force main off US 17. It is the developer's responsibility to connect to the water and sewer systems.

This rezoning has access off Ocean Highway West (US 17), which has no capacity deficiencies at this time, There are no North Carolina Department of Transportation (NCDOT) Transportation Improvement Program (TIP) Projects and Studies in this area.

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

No. However, an amendment has been requested.

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

Yes. There is similar zoning in close proximity and it is located on a major corridor (US 17).

THEREFORE, on the basis of all the foregoing, Mr. Ward made a motion to recommend to the Board of Commissioners approval from Undesignated to C-LD (Commercial Low Density) for Tax Parcel 1670006006 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map from Undesignated to Commercial for Tax Parcel 1670006006 located at 1409 Ocean Highway (US 17) near Shallotte, NC. The motion was unanimously carried.

VIII. PUBLIC HEARING AND CONSIDERATION OF PRELIMINARY SPECIAL EXCEPTION APPROVAL.

A. SE-202

Name: S&W Campground (Expansion)
Tax Parcel: 1980007302
Developer: Linda Stephens and John Parsons
Location: 532 Holden Beach Road (NC 130)
Description: Applicant requests a Special Exception for an expansion of an existing Campground consisting of 56 campsites on approximately 5.8 acres, including this expansion, the Campground will consist of 78 campsites on 8.6 acres.

The Chair reminded the Board that they are now acting as a quasi-judicial Board and anyone offering testimony must be sworn in or affirmed.

Ms. Marlowe swore in or affirmed John Parsons, Linda Stephens, and Marc Pages as to their testimony being truthful and relevant to the respective case.

Mr. Pages addressed the Board. He read the Staff Report (attached). Mr. Pages said staff recommends approval with the following conditions:

1. That the development shall proceed in conformity with all plans and design features submitted as part of the special exception application and kept on file by the Brunswick County Planning and Community Development Department;
2. That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance;
3. That if the specified conditions addressed in this special exception are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Planning Board for another special use permit and receiving their approval can the use be again permitted;
4. An updated North Carolina Department of Transportation (NCDOT) Driveway Permit shall be required for the 48 additional campsites included in Phase 3; and
5. A heritage tree survey shall be required prior to the development of Phase 3.

Mr. John Parsons, owner of S&W Campground, addressed the Board. Mr. Parsons said the existing campground has been operational for 32 years with no substantially injury to the value of properties in the general vicinity. He stated that they have complied with all federal, state, and local guidelines with no adverse affect to public health and safety.

Ms. Linda Stephens addressed the Board. She reiterated that the campground has been operational for 32 years with no complaints from the public. She made herself available for questions from the Board and/or staff.

The Chair asked the applicant if he intends to develop Phase 2 (8 campsites) and develop Phase 3 (48 campsites) at a later date? Mr. Parsons replied, yes.

The Chair stated that Ms. Stephens is a realtor with the Brunswick County Association of Realtor and he is the CEO of that organization. He further stated that he does not feel that this will pose a

conflict of interest and Attorney Batton agreed. With no further comments, the Chair closed the Public Hearing.

Mrs. Easley asked if the Special Exception is for Phase 2 only? The Chair said the applicant is requesting approval for 56 campsites, but they are only developing Phase 2 at this time, which consists of 8 campsites. Mr. Pages clarified that the applicant is adding 8 spaces at the current time that will be Phase 2, but there will be 48 other campsites totaling 56 campsites. He further stated that the other 48 campsites will be added at a later date, which will be Phase 3. Mr. Pages said this will negate the applicant from requesting another special exception when they are ready to develop the remaining 48 campsites as long as it is within a 5 year period. Mr. Pages added that there are wetlands to the rear of the property that may determine how many additional campsites can be developed on the property. Mrs. Easley asked staff if the applicant will still have to provide the items mentioned earlier in the Staff Report? Mr. Pages replied, yes.

Mr. Stanley asked about potential wetlands on site. Mr. Pages said a wetland delineation will be required for any on site wetlands and any development will have to be approved by the U.S. Army Corps of Engineers.

The Board discussed the worksheet and concluded the following:

Having heard all of the evidence and arguments presented at the hearing, the Planning Board, at its regular meeting, determined that the application is complete / incomplete and finds:

I. WHETHER THE PROPOSED USE IS IN HARMONY WITH THE AREA AND NOT SUBSTANTIALLY INJURIOUS TO THE VALUE OF PROPERTIES IN THE GENERAL VICINITY:

- Yes
 No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

Based upon sworn testimony presented by the applicant, the use has been operational for 32 years with no complaints and there were no objections from the public.

II. WHETHER THE USE IS IN CONFORMANCE WITH ALL SPECIAL REQUIREMENTS APPLICABLE TO THE USE:

- Yes
 No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

Based upon affirmed testimony by staff in the Staff Report.

III. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL NOT ADVERSELY AFFECT THE HEALTH AND SAFETY OF THE PUBLIC:

- Yes
 No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

Based upon sworn testimony by the applicant that the facility has been operational for 32 years and no complaints have been made.

IV. WHETHER THE USE, IF DEVELOPED AS PROPOSED, WILL ADEQUATELY ADDRESS THE TWELVE (12) REVIEW FACTORS IDENTIFIED IN SECTION 3.3.9.B. OF THE BRUNSWICK COUNTY UNIFIED DEVELOPMENT ORDINANCE:

- Yes
 No

State the sworn testimony and evidence presented at the hearing of this matter upon which you base your finding:

Based upon affirmed testimony by staff in the Staff Report.

DECISION:

Mr. Dunham made a motion to grant the Special Exception because the proposed use, if developed as proposed and subject to the conditions imposed below and other permits such as stormwater:

- a. will be in harmony with the area and not substantially injurious to the value of properties in the general vicinity,
- b. will be in conformance with all special requirements applicable to the use,
- c. will not adversely affect the health and safety of the public, and
- d. will adequately address the twelve (12) review factors identified in Section 3.3.9.B. of the Brunswick County Unified Development Ordinance.

CONDITIONS:

1. The development shall proceed in conformity with all amended plans and design features submitted as part of the Special Exception application and kept on file by the Brunswick County Planning and Community Development Department.
2. The development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance (UDO).
3. If the specified conditions addressed in this Special Exception are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Planning Board for another Special Exception permit and receiving their approval can the use be again permitted.

4. An updated North Carolina Department of Transportation (NCDOT) Driveway Permit shall be required for the 48 additional campsites included in Phase 3.
5. A heritage tree survey shall be required prior to the development of Phase 3.

The motion was seconded by Mrs. Easley and unanimously carried.

IX. OTHER BUSINESS.

Mr. Hargett addressed the Board. He stated that staff will be attending a Green Growth meeting on Friday 27-Feb-15 from 9:00 to 4:00 at Brunswick Community College. He stated that the Board will receive an announcement regarding the meeting and he encouraged anyone interested to attend.

The Chair asked about the new flood maps. Mr. Hargett said Ms. Dixon is liaison for the department and there are some violations that must be addressed before the County can move forward. He further stated that the County is working diligently to bring those homeowners into compliance with the floodplain requirements.

The Chair expressed concern about comments made regarding affordable housing at the previous meeting by a citizen that was opposed to a zoning change. Mr. Hargett stated that the applicant for that particular zoning change request has contacted neighboring properties about his intent if his property is rezoned to accommodate multifamily.

X. ADJOURNMENT.

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

REZONING STAFF REPORT



Date: January 12, 2015

Case#: Z-726

Tax Parcel(s): 2290003205, 22900003208, 2290003217, 22900044, 2290004402, 2290004404, 2290004405, 2290004503, and a portion of 2290005201

Acreage: 192.33

Applicant(s): Brunswick County Planning & Community Development (*Ocean Hwy near Shallotte*)

APPLICATION OVERVIEW:

The Brunswick County Planning & Community Development recommends rezoning Tax Parcels 2290003205, 2290003208, 2290003217, 22900044, 2290004402, 2290004404, 2290004405, 2290004503, and a portion of 2290005201 to R-7500 and IG and update the Land Use Map from undesignated and Industrial to Industrial and LDR (Low Density Residential). A portion of rezoning site was deannexed from the Town of Shallotte as part of Session Law 2014-68 (SB 846) and therefore does not have a zoning or land use designation. That property was previously zoned MF-10 (Multi-Family Residential District) under Shallotte's Zoning Jurisdiction. The owners have been notified of the proposed rezoning and land use plan amendment via certified and first class mail. Adjacent owners have been notified of the proposed rezoning and land use plan amendment via first class mail.

ZONING ANALYSIS

Proposed Zoning Request:

From: Undesignated & IG (Industrial General)

To: IG (Industrial General) & R-7500 (Medium Density Residential)

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."

IG (Industrial General)

"The I-G District is intended to provide locations for enterprises engaged in a broad range of manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise or equipment. Lands in this District are to be located on or near Major Thoroughfares as identified in the Major Thoroughfare Plan or Cooperative Transportation Plan; to rail service; and to in-place infrastructure such as water, sewer, and/or natural gas."

SURROUNDING AREA ZONING DESIGNATIONS:

North: IG & R-7500

South: IG, R-7500, & R-6000 & Shallotte's Jurisdiction (MF-10 Multi-Family Residential District)

East: IG & R-7500

West: NC & R-7500

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: Undesignated & Industrial

- 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.15 states that Brunswick County supports greater residential densities in areas that are accessible to water and sewer service(s). Agricultural and low-density residential land uses should be located in areas that do not have central water or sewer service.
- P.49 states that Brunswick County supports directing more intensive land uses to areas that have existing or planned infrastructure.
- P.107 states that Brunswick County encourages clean industry in locations where appropriate services can be provided, where transportation facilities are adequate, where environmental impacts can be fully mitigated, and where surrounding land uses are compatible.
- 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 Lincoln Elementary School | FY 2017 |
| New Town Creek Middle School | FY 2017 |
| Vocational High School | FY 2018 & 2019 |
| Shallotte Park | FY 2018 & 2019 |

Future Surrounding Areas Land Use(s):

The area surrounding this rezoning request has been experiencing some changes based upon recent land development activities submitted to the Brunswick County Planning Department. Several developments (Glenn Kirk Major Subdivision, Saucepan Bay Major Subdivision, Ocean Isle Palms PUD, and Tidewater PUD) have been approved in the area totaling 1,158 units. *The Town of Shallotte is located next to the rezoning site.*

The rezoning is comprised of nine parcels. Tax Parcels 2290003205, 2290004404, and 2290004405 are vacant. Tax Parcels 2290003208, 2290003217, 22900044, and 2290004402 are being used for residential purposes. Tax Parcels 2290004503 has a cell tower and residential.

INFRASTRUCTURE AND SERVICE IMPACTS

SCHOOL CAPACITY:

| <i>Elementary School:</i> Union | <i>Middle School:</i> Shallotte | <i>High School:</i> West Brunswick |
|---|---|---|
| <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 |
|---------------------|------------------------------|
| Todd Road (SR 1147) | None |

NCDOT PROJECTS AND STUDIES: **NONE**

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
LOCATION: Todd Road

SEWER: **Not Available** **Available**

It is the developer's responsibility to connect to the water systems.

ENVIRONMENTAL IMPACTS

- Located within a FEMA Flood Hazard Zone (AE & Shaded X).
- Located near a watercourse/water body (Little Saucepan Creek).
- 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.

OTHER SITE CONSIDERATIONS

- Will correct a split zoning on a parcel(s).
- Potentially could create a *spot zoning*.
- Located near IG & R-7500 zoned property.
- Located in an Overlay Zoning District.
- Located near other property designated as 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 (Shallotte Point).
- Located within 1/2 mile of a Voluntary Agricultural District (VAD).
- Cemetery located near the rezoning (Register Cemetery).
- Historic Site(s) known to be located near the rezoning.

STAFF RECOMMENDATION SUMMARY

Staff recommends APPROVAL TO IG AND R-7500 IN CONJUNCTION WITH A LAND USE PLAN AMENDMENT TO INDUSTRIAL AND LDR based upon information provided, surrounding area, current uses, the Brunswick County CAMA CORE Land Use Plan, and other adopted Brunswick County plans and policies.

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 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

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.15 states that Brunswick County supports greater residential densities in areas that are accessible to water and sewer service(s). Agricultural and low-density residential land uses should be located in areas that do not have central water or sewer service.
- 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 Lincoln Elementary School | FY 2017 |
| New Town Creek Middle School | FY 2017 |
| Vocational High School | FY 2018 & 2019 |
| Shallotte Park | FY 2018 & 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. _____ been approved in the area totally ___ units. Commercial activity has also been occurring in the area with a hotel and funeral home recently completed. The rezoning site is located in the Morehead Farms Inc. Subdivision recorded on _____. *Currently mining is occurring on the rezoning site.*

INFRASTRUCTURE AND SERVICE IMPACTS

SCHOOL CAPACITY:

| <i>Elementary School:</i> Virginia Williamson | <i>Middle School:</i> South Brunswick | <i>High School:</i> South Brunswick |
|---|---|---|
| <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 |
|------------------------------|-----------------------|
| Southport-Supply Rd (NC 211) | None |

NCDOT PROJECTS AND STUDIES: **NONE**

| Project | Project Type | Project Description | Status |
|---------------------------------|--------------|---|----------------------------|
| US 17 Corridor Study | Study | Future improvements to US 17 that will protect integrity, maintain mobility, while residential and commercial development increase. | Completed Long Range Study |
| Interstate 74 Feasibility Study | Study | Realigning Interstate 74 with a four-lane divided interstate freeway from Whiteville in Columbus County to the South Carolina State Line in Brunswick County. | Completed Long Range Study |

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 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.

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.

**BRUNSWICK COUNTY
SPECIAL EXCEPTION
STAFF REPORT AND RECOMMENDATION**

Application No. SE-202

Applicant: Linda Stephens and John Parsons

Project Name: S & W Campground (Expansion)

Property Location: Holden Beach Road (NC 130)

Parcel Number(s): 1980007302

Zoning District: CLD (Commercial Low Density)

Surrounding Zoning **North** CLD **South** R-6000 (High Density Residential)
East R-6000 and CLD **West** R-6000 and CLD

Proposed Use of Property: Campground

The project was submitted to the Planning Department on December 2, 2014.

The project is proposing an expansion of 56 campsites on 5.8 acres. Including this expansion, the campground will consist of 78 campsites on a gross site of 8.6 acres.

Approval Criteria

1. **Circulation:** All campsites will be accessed internally. According to NCDOT's Average Annual Daily Traffic Counts, this section of Holden Beach road is near capacity.
2. **Parking and Loading:** All parking will be off-street.
3. **Service Entrances and Areas:** None indicated on plan. No separate construction entrances indicated on plan.
4. **Lighting:** All lighting shall be internally oriented and designed in accordance with Section 6.6 of the UDO.
5. **Signs:** Each campsite will be identified by a permanent number which must be visibly displayed. No new on-premise sign(s) are indicated on site plan. Any on-premise signs identifying the development must comply with Section 10.7.11. of the UDO.
6. **Utilities:** Water service to be provided by Brunswick County. Each campsite shall have a individual sewer connection to an on-site septic system.
7. **Open Space:** The developer is proposing 0.8 acres of recreational open space of which 0.47 acres is required.
8. **Environmental Protection:** No heritage trees are located within the proposed area of the phase 2 expansion. A heritage tree survey shall be required prior to the development of phase 3. County and State stormwater permits must be obtained prior to any construction.
9. **Screening, Buffering and Landscaping:** The proposed project meets all periphery buffer requirements providing a .4 opacity 20' peripheral buffer with the required landscaping. Refuse dumpsters shall be screened in accordance with section 6.10 of the UDO.
10. **Effect on Adjoining Property:** Campground access shall be provided off of the existing entrance on Holden Beach Road. Appropriate buffers for this expansion

are indicated on the site plan. Refuse collection shall be provided via dumpsters within the campsite.

11. Compatibility: The majority of the surrounding uses consists of vacant land, manufactured homes and stick-built houses.

12. Impacts on Military Installations: This project is not within a 5 mile perimeter of any Military Installation.

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 special exception 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. That if the specified conditions addressed in this special exception are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Planning Board for another special use permit and receiving their approval can the use be again permitted.
4. An updated NCDOT driveway permit shall be required for the 48 additional campsites included in phase 3.
5. A heritage tree survey shall be required prior to the development of phase 3.