

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
February 8, 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
Randy Ward

MEMBERS ABSENT

Chris Stanley
Joe Johnson

STAFF PRESENT

Michael Hargett, Director
Connie Marlowe, Admin. Asst.
Kirstie Dixon, Planner II
Marc Pages, Land Planner
Helen Bunch, Zoning Administrator
Bob Shaver, County Attorney

OTHERS PRESENT

Bobby Long
John Hankins

Terry Pope, State Port Pilot
Lewis Dozier

I. CALL TO ORDER.

The Chair 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.

Mr. Chris Stanley and Mr. Joe Johnson were absent.

IV. CONSIDERATION OF MINUTES OF THE 11-JAN-16 MEETING.

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

V. AGENDA AMENDMENTS.

Mr. Hargett said staff will provide a brief update on the Greenway/Blueway Plan under Other Business.

VI. PUBLIC COMMENT.

There were none.

VII. PUBLIC HEARINGS.

A. Rezoning Z-736 – Old Shallotte Baptist (%Bobby Long)

Request to rezone approximately 5.61 acres located at 394 Longwood Road NW (NC 904) near Shallotte from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 21100001.

Land Use Plan Map Amendment LUM-736:

Request to amend approximately 5.61 acres located at 394 Longwood Road NW (NC 904) near Shallotte from LDR (Low Density Residential) to Commercial for Tax Parcel 21100001.

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) to C-LD (Commercial Low Density) in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) to Commercial for Tax Parcel 21100001 located at 394 Longwood Road NW (NC 904) near Shallotte.

Mr. Dunham asked staff what is located on the 2 properties (Tax Parcels 21100073 and 19500001) currently zoned C-LD across the street from the subject property? Ms. Dixon said there is a residence on Tax Parcel 19500001 and Tax Parcel 21100073 is vacant. Mr. Dunham asked staff when those parcels were zoned commercial? Ms. Dixon said prior to the implementation of the UDO in May 2007.

Ms. Easley asked staff if the church has been on the property for a long time? Ms. Dixon replied yes. Ms. Easley clarified that the subject property is currently zoned residential. Ms. Dixon said churches are allowed in all zones. She further stated that the zoning change will not have a negative impact on the church. However, the proposed zoning change would have a positive impact on the existing sign. Mr. Pages interjected that the existing sign is currently non-

conforming although it has been on the subject property for quite some time. He further stated that the proposed zoning change will bring the sign into compliance with the UDO.

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

Mr. Bobby Long addressed the Board on behalf of Old Shallotte Baptist Church. Mr. Long stated that the church is trying to bring an existing sign into compliance with the Brunswick County Unified Development Ordinance (UDO). Mr. Long stated that the North Carolina State Building Code considers churches commercial and any approvals are based on commercial standards. Mr. Dunham asked if the zoning change would allow for a specific commercial use. Ms. Bunch said any church related functions can be done at the current time with certain provisions.

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

Mrs. Henry asked staff if any comments were received from the adjoining property owners? Ms. Dixon replied no.

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. The proposed use is not expected to generate demand on schools.

This rezoning is located in the Grissetown/Longwood Fire District.

Water is available by Brunswick County Utilities via a twelve inch (12") line off Longwood Road NW (NC 904). Sewer is not available at this time. It is the developer's responsibility to connect to the water system.

This rezoning has access off Longwood Road NW (NC 904) and Old Shallotte Road NW (SR 1316), which have no capacity deficiencies. 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, there was no opposition from adjoining property owners, and the zoning change will make an existing use (billboard) conforming to the UDO.

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) to C-LD (Commercial Low Density) Tax Parcel 21100001 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) to Commercial for Tax Parcel 21100001 located at 394 Longwood Road NW (NC 904) near Shallotte. The motion was unanimously carried.

B. Proposed Revisions to various provisions of the Unified Development Ordinance.

Mr. Dunham asked staff, in reference to the proposed revision regarding not bonding the final lift of asphalt, when is a road bonded? Mr. Hargett said staff consulted with the Engineering and other County Departments and there was a consensus that this option be removed from the UDO. There have been a couple of instances where deferring the final lift of asphalt has been problematic. He further stated that there was no resistance from the development community to remove this option. Mr. Dunham clarified that infrastructure is in place before the final plat is recorded and Mr. Hargett concurred.

Mrs. Henry asked about item 8 (Number of Principal Structures allowed) and whether the number of principal structures are limited in Section 5.4.3? Mr. Hargett replied yes. Mrs. Henry clarified that Item 15 (Home Occupation – remove minimum lot size requirement for signs) would allow for any parcel to have a home occupation sign. Mr. Hargett replied yes. He further stated that staff could not reach a consensus on this item. Mr. Hargett said there were concerns for neighborhoods without property owners associations or some other mechanism to control a potential proliferation of signage. Mr. Hargett said the initial change to allow home occupation signs on parcels 2 acres or more was intended to ensure smaller developments would be protected. He said there were a couple of instances that prevented someone with a home occupation from erecting a sign so the home occupation could be located by the general public. Mrs. Henry asked staff about Item 16 that proposes to use the word “exceptional” design when describing a project. Mr. Hargett said this was changed to provide consistency throughout the ordinance regarding design. Ms. Easley asked staff if exceptional design is clearly defined in the UDO? Mr. Hargett said Article 6 addresses exceptional design and there are examples in Appendix E. Mrs. Henry asked staff about Item 17 (Open Space and Recreation Area) and whether it will lessen the amount of open space requirements? Mr. Hargett said this a clarification of open space requirements for residential in a mixed-use development.

Mr. Hargett stated that staff was also unable to reach a consensus on limiting the mining activity to 20 acres (including required buffer areas) rather than to limit the parcel to 20 acres. He said there was concern with the mining site boundaries not being specified with this particular change. Mr. Hargett stated that requiring a copy of the State Permit, which requires the mining site to be surveyed, identifies the mining activity boundaries.

Mr. Hargett interjected that staff is proposing an engineer certification be included on final plats stating that road improvements have been installed in accordance with the approved plan. Mr. Dunham asked staff who will be responsible for the certification? Mr. Hargett said the engineer that designed the road(s).

Mr. Hargett said staff is also proposing to revise and/or clarify the height requirements to allow up to 75 feet by right (with the base height restrictions remaining per district) with certain provisions and Planning Board approval beyond 75 feet; no height limitation for lots that are 100 acres or greater in Industrial General (IG); and height requirements are subject to the Fire Marshal approval.

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

With no public comments, Mr. Polychrones made a motion to close the Public Hearing and the motion was unanimously carried. Mr. Hargett said staff contacted several groups (ABCPOA, Chambers of Commerce, BASE, and Brunswick County Board of Realtors) and several concerned individuals in the County, but staff did not receive any comments.

Mr. Polychrones made a motion to recommend to the Board of Commissioners to approve the UDO Refinements as proposed and the motion was unanimously carried.

VIII. OTHER BUSINESS.

- Greenway/Blueway Plan

Ms. Dixon addressed the Board. She stated that the consultant(s) will be here the last week of February and they will be holding a meeting with municipalities and the Metropolitan Planning Organizations (MPOs). There will be a full day workshop as well as 2 public input meetings. Ms. Dixon said the consultants will hold numerous stakeholder meetings and they will meet with the Brunswick County Leadership Team. Ms. Dixon concluded that the consultant(s) will be conducting field visits/checks and the Planning Board will be notified of the public input meeting dates when those dates are finalized.

IX. ADJOURNMENT.

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