

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
November 13, 2017

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

MEMBERS PRESENT

Eric Dunham, Chair
Joy Easley, Vice Chair
Ron Medlin
Troy Price
Randy Ward
William Bittenbender, Alternate

MEMBERS ABSENT

Richard Leary
Tom Simmons

STAFF PRESENT

Kirstie Dixon, Director
Helen Bunch, Zoning Admin.
Connie Marlowe, Admin. Asst. II
Marc Pages, Senior Planner
Bryan Batton, Asst. County Attorney

OTHERS PRESENT

Randy Hardee
Terry Pope, State Port Pilot
Bryan Adams
Phil Norris
Lewis Dozier
Sheila Cejka

John Hankins
Travis Sharp
Graham Adams
Nancy Moore
Rosa Gardner

I. CALL TO ORDER.

The Chair called the meeting to order at 6:04 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. Tom Simmons and Mr. Richard Leary were absent.

IV. CONSIDERATION OF MINUTES OF THE 09-OCT-17 MEETING.

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

V. AGENDA AMENDMENTS.

Ms. Dixon addressed the Board. She stated that Public Hearings Item 8 (C) project name should be ATOOD Solar IV, LLC.

VI. PUBLIC COMMENT.

There were none.

VII. PUBLIC HEARINGS.

A. Rezoning Z-758CZ – Randy Hardee.

Request to rezone approximately 12.92 acres located off Southport-Supply Road SE (NC 211) near Supply from SBR-6000 (High Density Site Built Residential) to RRCZ (Rural Low Density Residential Conditional Zoning) for a portion of Tax Parcel 18500008 and Tax Parcel 1850001707.

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 SBR-6000 (High Density Site Built Residential) to RRCZ (Rural Low Density Residential Conditional Zoning) for a portion of Tax Parcel 18500008 and 1850001707 with the noted conditions listed in the Staff Report as well as the permitted uses (Mining Operation [Class I], Single Family Detached Residential, Accessory Building, and Planned Development [subject to approval from the Planning Board per the Brunswick County Unified Development Ordinance]). She indicated that the owner and applicant agreed to the conditions.

Mr. Dunham asked about the existing mining operation nearby? Ms. Dixon said that property was subdivided from the subject properties.

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

Mr. Phil Norris addressed the Board. Mr. Norris said they have worked closely with staff and they have submitted an application to the State regarding the mining operation. He further stated that they will be mining sand from the site and there will be a fish pond once the mining activity ceases.

Ms. Rosa Gardner addressed the Board. Ms. Gardner asked the distance the mining operation will be from Leaning Pine Road SE. Ms. Dixon said adjacent property owners were notified, but Ms. Gardner's property (Tax Parcel 1850000706) does not adjoin the subject properties. Ms. Gardner asked if her property value will be decreased? Mr. Norris interjected that sand will be mined on the subject properties and a fish pond will be on site once the mining operation is complete. He further stated that he could not answer how her tax value will be impacted. [The Brunswick County Tax Office accesses tax values].

With no further comments, Mr. Bittenbender 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 rezoning be appropriate for the area? Yes No

There is an existing mine in the area and the proposed zoning change fits in the area.

- II. Is the rezoning reasonable and in the public interest? Yes No

The area is suitable for mining and it is predominantly surrounded by wetlands.

- III. Is the rezoning consistent with the adopted Land Use Plan or other land use documents?
Yes No

It is consistent with the CAMA Land Use Plan as the land classification is LDR (Low Density Residential).

- IV. Does adequate public facilities and services (schools, utilities, roads) exist, are planned, or can be reasonably provided to serve the needs of uses likely to be constructed because of this rezoning change? Yes No

There are no school capacity deficiencies at this time

Mr. Price made a motion to recommend to the Board of Commissioners to approve a portion of Tax Parcel 18500008 and Tax Parcel 1850001707 from SBR-6000 (High Density Site Built Residential) to RRCZ (Rural Low Density Residential Conditional Zoning) with the noted conditions listed in the Staff Report as well as the permitted uses (Mining Operation [Class I], Single Family Detached Residential, Accessory Building, and Planned Development [subject to approval from the Planning Board per the Brunswick County Unified Development Ordinance])and the motion was unanimously carried.

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

APPROVAL – The proposed zoning amendment is APPROVED

- Is the proposed change consistent with the CAMA Land Use Plan or any other adopted land use document? Yes No

The proposed zoning amendment is consistent with the CAMA Land Use Plan as the land classification is LDR (Low Density Residential).

- Is the proposed amendment reasonable and in the public interest? Yes No

The area is suitable for mining and it is predominantly surrounded by wetlands.

B. Planned Development Conceptual Plan – PD-12.

Name: Planters Green
Applicant: Travis Sharp (%Planters Green, LLC)
Tax Parcel(s): 2100000730 – 2100000758, 2100000703, and a portion of 21000007
Location: Shamrock Drive SW and Ocean Hwy West (US 17)
Description: Planters Green Planned Development is a proposed revision to the Planters Green Major Subdivision. This proposed revision will consist of splitting 30 existing single-family residential lots into a proposed 60 single-family lots on a gross site of 18.55 acres for an overall density of 3.23 units per acre.

Mr. Ward asked to be recused citing a potential conflict of interest. Ms. Easley made a motion to excused Mr. Ward and the motion was unanimously carried.

Mr. Pages addressed the Board. He read the Staff Report (attached). Mr. Pages identified the proposed area on a visual map. Mr. Pages said staff recommends approval based on the following conditions:

- That the development shall proceed in conformity with all plans and design features submitted as part of the planned development application and kept on file by the Brunswick County Planning Department; and
- That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance.
- Per NCDOT memorandum (attached), a right turn lane off US 17 onto Shamrock Drive SW is likely to be required.

Mr. Dunham asked about the number of lots not part of this project? Mr. Pages said some lots were previously combined and Mr. Dunham pointed out those lots on a visual map.

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

Mr. Phil Norris, Norris and Tunstall Engineers, addressed the Board. Mr. Norris said this an existing subdivision that was dormant because the property is unsuitable for on-site wastewater systems. Mr. Norris said the applicant will be providing public water and sewer to the proposed development.

Mr. Bittenbender asked if there is sufficient turnaround for fire vehicles and Mr. Norris said that is corrected with a cul-de-sac.

Ms. Sheila Cejka addressed the Board. Ms. Cejka was concerned with potential traffic congestion. Mr. Pages provided Ms. Cejka with a copy of the memorandum from NCDOT that will likely require a full right turn lane on US 17 with 100' of storage and a 200' taper. She

expressed concern with the proposed development being twice the size than the initial project. Ms. Cejka was opposed to the proposed development.

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

Mr. Price made a motion to approve the Planned Development with the noted conditions and the motion was unanimously carried.

C. Major Site Plan – MSP-1

Name: ATOOD Solar IV, LLC
Applicant: ATOOD Solar IV, LLC (%Bryan Adams)
Tax Parcel(s): Portion of 02200009
Location: North of Industrial Boulevard NE (SR 1712), adjacent to I-140 and the CSX Railroad Right-of-Way
Description: This major site plan proposes a solar farm consisting of 30.16 acres and up to 517 solar racks

Ms. Bunch addressed the Board. She read the Staff Report (attached). Ms. Bunch identified the proposed area on a visual map. Ms. Bunch said staff recommends approval based on the following conditions:

- The development shall proceed in conformity with all plans and design features submitted as part of the major site plan application and kept on file by the Brunswick County Planning Department;
- The development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance;
- Submit a decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following prior to the issuance of any permits:
 - Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for 12 months, etc.).
 - Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations.
 - Restoration of property to condition prior to development of the Solar Farm.
 - Timeframe for completion of decommissioning activities, not to exceed one year.
 - Description and copy of any lease or any other agreement with landowner regarding decommissioning.
 - Name and address of person or party responsible for decommissioning.
 - Plans and schedule for updating this decommissioning plan.
 - Recordation of the Decommissioning Plan with the Register of Deeds.
- Provide a performance-based buffer instead of the required street buffer that provides 100% visual opacity and has a minimum depth of 20' at the locations of the project that are adjacent to or visible from I-140;
- Indicate the location on the project that the parking spaces will be placed. Include the space size, surface, how the space will be delineated and the accessible parking signage;
- The project must be legally subdivided from the parent parcel to form a new tax parcel with its own unique tax parcel number. Show on the new site plan the property dimensions and the distance from the new resulting property lines to the solar racks;

- An approved driveway permit must be issued by the North Carolina Department of Transportation;
- Provide a detailed, separate Buffer/Landscaping Plan;
- Denote on the site plan that no barbed wire will be used as part of the project fencing;
- Add the following note to the Plan as requested by the Stormwater Administrator. “County and State Stormwater Permits must be obtained prior to any construction. No natural drainage areas will be cut off or disturbed before obtaining the permits;”
- Note that the wetland delineation has not been verified by the Army Corps of Engineers. A Jurisdictional Determination request for this site has been received and a site visit will be scheduled. Verification must occur prior to final site plan approval; and
- Provide written approval of the site plan from Duke Energy Transmission Line Asset Protection as the site is adjacent to a Duke Energy Transmission Line. Approval must occur prior to final site plan approval.

Ms. Easley made a motion for Mr. Ward to rejoin the Board and the motion was unanimously carried.

Mr. Dunham asked how the property will be accessed? Ms. Bunch said the property will be accessed from Commerce Drive, which is primarily a dirt road that will be improved.

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

Mr. Bryan Adams addressed the Board. Mr. Adams stated that he will be a landowner of the subject property. He stated that they have a meeting scheduling with the US Army Corps of Engineers on Tuesday November 14, 2017 regarding the wetlands on the site. He further stated that they have contacted Duke Energy for approval to connect to their power and there will be minimum buffering.

Mr. Ron Medlin asked if the solar panels will face south on the site? Mr. Adams replied, yes. He stated that the solar panels will be away from I-140 and they will be fixed solar panels. Ms. Bunch interjected that the solar panels will have to meet the wind load requirements for this particular area.

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

Mr. Bittenbender made a motion to approve the Major Site Plan with the noted conditions and the motion was unanimously carried.

D. Major Site Plan – MSP-2

Name: AGA TAG Solar IV, LLC
 Applicant: AGA TAG Solar IV, LLC (%Graham Adams)
 Tax Parcel(s): Portion of 02200009 and 02800008
 Location: North of Industrial Boulevard NE (SR 1712), adjacent to the CSX Railroad Right-of-Way and Dyson Drive NE
 Description: This major site plan proposes a solar farm consisting of 47.62 acres and up to 504 solar racks on portion so Tax Parcels 02200009 and 02800008

Ms. Bunch addressed the Board. She read the Staff Report (attached). Ms. Bunch identified the proposed area on a visual map. Ms. Bunch said staff recommends approval based on the following conditions:

- The development shall proceed in conformity with all plans and design features submitted as part of the major site plan application and kept on file by the Brunswick County Planning Department;
- The development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance;
- Submit a decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following prior to the issuance of any permits:
 - Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for 12 months, etc.).
 - Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations.
 - Restoration of property to condition prior to development of the Solar Farm.
 - Timeframe for completion of decommissioning activities, not to exceed one year.
 - Description and copy of any lease or any other agreement with landowner regarding decommissioning.
 - Name and address of person or party responsible for decommissioning.
 - Plans and schedule for updating this decommissioning plan.
 - Recordation of the Decommissioning Plan with the Register of Deeds.
- In the event that the solar farm project is visible from I-140, the applicant is proposing to provide a performance-based buffer at locations of the project that are visible. This performance-based buffer will provide 100% visual opacity and have a minimum depth of 20' in areas visible from I-140;
- Indicate the location on the project that the parking spaces will be placed. Include the space size, surface, how the space will be delineated and the accessible parking signage;
- The project must be legally subdivided from the parent parcel to form a new tax parcel with its own unique tax parcel number. Show on the new site plan the property dimensions and the distance from the new resulting property lines to the solar racks;
- An approved driveway permit must be issued by the North Carolina Department of Transportation;
- Provide a detailed, separate Buffer/Landscaping Plan;
- Add to the site plan that no barbed wire will be used as part of the project fencing;
- Add the following note to the Plan as requested by the Stormwater Administrator. "County and State Stormwater Permits must be obtained prior to any construction. No natural drainage areas will be cut off or disturbed before obtaining the permits;"
- Note that the wetland delineation has not been verified by the Army Corps of Engineers. A Jurisdictional Determination request for this site has been received and a site visit will be scheduled. Verification must occur prior to final site plan approval; and
- Provide written approval of the site plan from Duke Energy Transmission Line Asset Protection as the site is adjacent to a Duke Energy Transmission Line. Approval must occur prior to final site plan approval.

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

Mr. Graham Adams addressed the Board. Mr. Adams said this project is a mirror of the previous request and he made himself available for any questions.

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

Mr. Bittenbender made a motion to approve the Major Site Plan with the noted conditions and the motion was unanimously carried.

VIII. OTHER BUSINESS.

- Planning Board Cases Update

Ms. Dixon addressed the Board. She stated Zoning Case Z-755 and Z-756 were approved at the Board of Commissioners Monday 16-Oct-17 meeting. Ms. Dixon stated that revisions to Solar Farms and Zoning Case Z-757 will be considered for approval by the Board of Commissioners at their Monday 20-Nov-17 meeting.

IX. ADJOURNMENT.

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