

# REZONING STAFF REPORT



Prepared by Kirstie Dixon, Planning Director

Rezoning Case#: Z-758CZ

November 13, 2017

## APPLICATION SUMMARY

The applicant requests to rezone portions of Tax Parcels 18500008 and 1850001707 from SBR-6000 (High Density Site Built Residential) to RR-CZ (Rural Low Density Residential Conditional Zoning). This conditional zoning is proposing to limit the uses to Mining Operations (Class 1), Single Family Detached Residential, Accessory Building, and Planned Development (*Note that this use is subject to approval by Planning Board per the Brunswick County Unified Development Ordinance*). The applicant held a neighborhood meeting on October 17, 2017. The owners and adjacent owners have been notified of the proposed rezoning via first class mail. A site plan is provided and several conditions have been proposed and agreed upon by the owners.

### Location

Off Southport-Supply Road  
(NC 211)

### Tax Parcel(s)

18500008 and 1850001707

### Current Zoning

SBR-6000 (High Density Site Built Residential)

### Proposed Zoning

RR-CZ (Rural Low Density Residential Conditional Zoning)

### Surrounding Zoning

SBR-6000 & RR-CZ

### Current Use

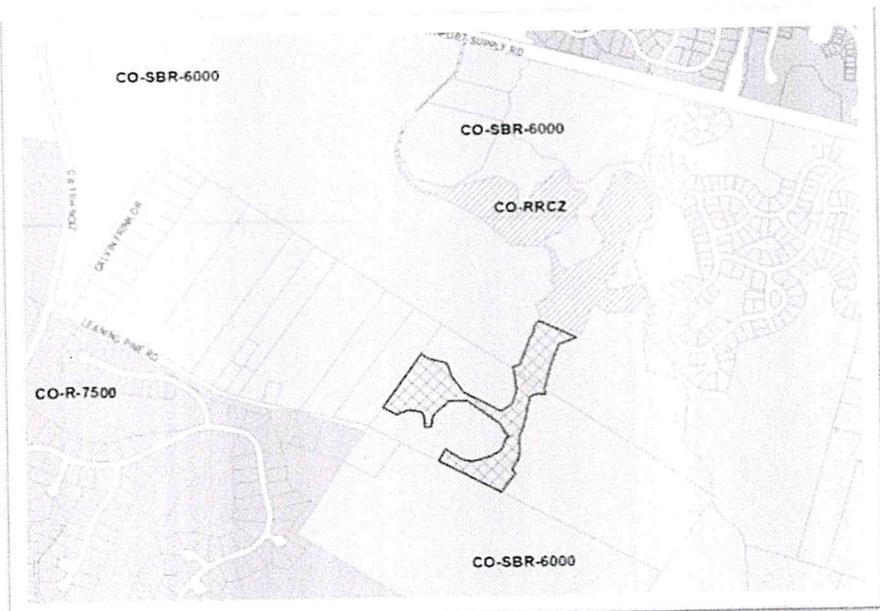
Vacant Lands

### Surrounding Land Uses

Residential, Vacant Lands,  
Mining, & Agricultural

### Size

12.92 acres



## SITE CONSIDERATIONS

**Zoning History:** The rezoning site and the surrounding area was rezoned from RU (Rural) to SBR-6000 (High Density Site Built Residential) as part of the adoption of the Unified Development Ordinance in 2007. *Adjacent Tax Parcel 1850001728 located to the north was rezoned to RR-CZ as part of Rezoning Case Z-730CZ on October 19, 2015. Allowed uses listed as part of the conditional zoning include Mining Operations (Class 1), Single Family Detached Residential, and Planned Development (this use is subject to approval by Planning Board per the Brunswick County Unified Development Ordinance).*

**Area Activities:** The Southport-Supply Rd (NC 211) Corridor has been experiencing growth based upon recent land development activities. Commercial growth has occurring near the Midway Rd (NC 906) & Southport-Supply Area (NC 211) intersection. Residential growth has been occurring throughout the corridor. Several existing residential developments are located in the area. A mining operation is operating located directly to the north on adjacent Tax Parcel 1850001728.

**Buffers:** If rezoned to RR-CZ, all non-residential uses will require a 0.2 (if vacant) opacity buffer and a 0.4 (if adjacent to existing residential) opacity buffer. A buffer is not required for residential uses. The applicant has proposed an increase in buffer width for Mining Operations (Class I) by proposing provide a vegetative buffer around mining excavation areas that ranges in width from 40 – 50 feet. The applicant also proposes to maintain a minimum distance of 40 ft. from the excavation area to all adjacent properties.

**Traffic:** Access to the mining operation will be limited to the existing haul road that extends out to Southport-Supply Rd (NC 211). Obtaining an access easement or right-of-way to the mining operation site will be required for the duration of the mining operation. This section of Southport-Supply Road (NC 211) is near capacity. Other areas along the NC 211 are over capacity.

**Utilities:** Water & Sewer is available from Brunswick County along Southport-Supply Road. Water & Sewer connection will require developer responsibility to connect to the water and sewer system.

**Schools:** There are not any school capacity deficiencies at this time.

**CIP Projects in Area:** New Town Creek Middle School (FY 2019), Brunswick Center at Supply (Prior 2018), NCDOT Hwy 211 Water Expansion (FY 2018), 211 Water Plant Improvements (FY 2018), Sunset Harbor Rd Water Project (FY 2018 & 2019), NC 211 R-5021 NCDOT Utility Relocation (FY 2018), North Brunswick Classroom Addition (FY 2019/2021), and West Brunswick Classroom Addition (FY 2019/2021).

### **NCDOT Road Improvements in Area:**

- Widen NC 211 from Midway Road (NC 906) to NC 87 to 4-lane (Project R-5021) – Pre-Construction Phase (Anticipated Construction 2018 - 2021).
- Convert US 17 & NC 211 intersection to interchange (Project U-5932) – Design Phase (Anticipated Construction 2024).

### **Environmental Impacts:**

- Located along in the Lockwood Folly Watershed.
- Scotts Branch is located near the rezoning site.
- Biodiversity & Wildlife Habitat Assessment Score: The rezoning site has an age of scores from 0 – 6. The majority of the rezoning site scores 6 out of 10 due to wetlands classified as beneficial, substantial and exceptional as well as being within a rare animal species area.

### **Other Considerations:**

- Located within 1/2 mile of a Voluntary Agricultural District (VAD).

## ANALYSIS

*"The Rural Residential District is intended to accommodate non-residential agricultural uses and low density residential development, as well as limited non-residential uses that are supportive of the County's traditional agricultural orientation including farming, silviculture operations and related activities. Development in this District should rely predominantly on individual wells and septic tank systems for domestic water supply and sewage disposal, respectively, although clustered residential development served by public water and wastewater systems may be allowed."*

*"The Conditional Zoning Overlay is established to offer flexibility to meet project needs that are not accommodated by conventional zoning districts. These overlay districts are approved with individualized development standards adopted as part of the rezoning. Property is rezoned to these districts in response to and consistent with a petition filed by the property's owner. The petition includes a site plan, a specification of the actual use planned, and any rules, regulations, or conditions that would govern development of the site. The petitioner must conduct at least one community meeting*

on the proposal prior to the official hearing on the rezoning. These districts are potentially available in conjunction with any of the conventional zoning classifications the site.

**CAMA Land Use Plan Classification:** LDR (Low Density Residential)

- Proposed Zoning is consistent with CAMA Land Use Plan

**Applicable CAMA Land Use Policies:**

- 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.86 states that Brunswick County supports state and local efforts to restore the water quality of the Lockwood Folly River, as well as other estuarine waters in the County, to a water quality level deserving of ORW designation.

## **STAFF RECOMMENDATION SUMMARY**

Staff recommends **APPROVAL TO RR-CZ IN CONJUNCTION WITH THE SITE PLAN, THE LIST OF PERMITTED USES AND LIST CONDITIONS FOR A PORTION OF TAX PARCEL 1850008 & 1850001707** **BASED** upon information provided, surrounding area, current uses, the Brunswick County CAMA CORE Land Use Plan, and other adopted Brunswick County plans and policies.

**Permitted Uses:**

1. Mining Operation (Class I)
2. Single Family Detached Residential
3. Accessory Building
4. Planned Development (*Subject to approval from the Planning Board per the Brunswick County Unified Development Ordinance*)

**Conditions:**

1. Mining Operations (Class I) consisting of soil or other unconsolidated material (i.e. sand, marl, rock, fossil deposits, peat, fill or topsoil) may be located on the property and may be removed for use off-site. Mining Operations (class I) are subject to the following:
  - a. Access to the mining operation is limited to the existing haul road that extends out to Southport-Supply Rd (NC 211). Obtaining an access easement or right-of-way to the mining operation site will be required for the duration of the mining operation.
  - b. Total depth of the mine shall not exceed 35 ft.
  - c. Dewatering is not permitted. Pumping water from one excavation area to another does not constitute dewatering.
  - d. The use of explosives and on-site processing (*i.e. use of conveyor systems; screening machines; crushing; or other mechanical equipment*) is not permitted.
  - e. Hours of operation is from dawn to dusk.
  - f. Maintain a minimum total distance of 40 ft. from the excavation area to all adjacent properties.
  - g. Maintain a minimum 40 ft. vegetative buffer around the excavation areas as shown on the plan. Existing vegetation should be used whenever available and remain undisturbed and protected from mining activity and disturbance.
  - h. Mining activities must conform to all Federal and State Guidelines including applying for and receiving a State Mining Permit from the North Carolina Department of Environmental Quality (DEQ). Prior to the beginning of any excavation activities on the property, a copy of the State Mining Permit must be filed with the Brunswick County Planning Development Department.
  - i. The time period for Mining Operation (class I) activities shall not extend beyond the initial approved North Carolina Department of Environmental Quality (DEQ) Permit.

## **STAFF RECOMMENDATION SUMMARY CONTI...**

- 2. Uses other than the mining activities are subject to the dimensional requirements (i.e., setbacks, minimum lot size, etc.) of the RR district; however, dimensional requirements for uses within a Planned Development shall be based on the conceptual plan approval.**
- 3. Mining activities are limited to areas specified on the site plan; however, other uses allowed in conjunction with this Conditional Zoning approval may be located anywhere in the Conditional Zoning Area.**
- 4. All development shall comply with all applicable federal, state, and local requirements and with the Brunswick County Unified Development Ordinance (UDO) and shall conform to the site plan, the list of permitted uses (*subject to all limited standards imposed by the UDO*), and all design features as submitted, and approved as part of this conditional rezoning as kept on file by the Brunswick County Planning Department.**
- 5. All applicable County and State Stormwater Permits must be obtained prior to any development. No natural drainage areas will be cut off or disturbed before obtaining the permits.**
- 6. All conditions listed have been agreed upon by the owner at this time and must be followed. If any these conditions are violated the owner of the property will be in violation of the Brunswick County Unified Development Ordinance (UDO) and all permits shall be subject to revocation and any other enforcement actions available by law.**

**Revised 11-3-2017**

# STAFF RECOMMENDATION SUMMARY

Staff recommends **APPROVAL TO RR-CZ IN CONJUNCTION WITH THE SITE PLAN, THE LIST OF CONDITIONS AND LIST OF PERMITTED USES FOR A PORTION OF TAX PARCEL 1850001707 BASED** upon information provided, surrounding area, current uses, the Brunswick County CAMA CORE Land Use Plan, and other adopted Brunswick County plans and policies.

## **Permitted Uses:**

1. Mining Operation (Class I)
2. Single Family Detached Residential
3. Accessory Building
4. Planned Development (*Subject to approval from the Planning Board per the Brunswick County Unified Development Ordinance*)

## **Conditions:**

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REVISED 11-3-2017

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We, June L. Clemmons and Nancy L. Moore, understand and agree to all the proposed conditions as identified in the attached "Staff Recommendation Summary for the Conditional Rezoning Application" submitted by Mr. Randy Hardee.

June L. Clemmons

June L. Clemmons

11-13-17

Date

Nancy L. Moore

Nancy L. Moore

11-13-17

Date

Randy Hardee

Randy Hardee

11-13-17

DATE

NOV 13 2017

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