

MINUTES
PLANNING BOARD
BRUNSWICK COUNTY, NC

6:00 P.M. Monday
February 12, 2018

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

MEMBERS PRESENT

Eric Dunham, Chair
Joy Easley, Vice Chair
Richard Leary
Ron Medlin
Troy Price
Tom Simmons
Randy Ward

MEMBERS ABSENT

None

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

Sammy Varnam
John Hankins
William Bittenbender, Alternate
Michael Caison
Frank Braxton

Terry Pope, State Port Pilot
Lewis Dozier
Brian Slattery, Brunswick Beacon
Ronnie Clemmons

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.

There were no members absent.

IV. CONSIDERATION OF MINUTES OF THE 08-JAN-18 MEETING.

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

V. AGENDA AMENDMENTS.

Mr. Pages added Case Updates and Planning Board Training under Other Business.

VI. PUBLIC COMMENT.

There were none.

VII. PUBLIC HEARINGS.

A. Rezoning Z-759 – Sammy Varnam

Request to rezone approximately 67.34 acres located off Holden Beach Road SW (NC 130) near Holden Beach from R-6000 (High Density Residential) and C-LD (Commercial Low Density) to C-LD (Commercial Low Density) for Tax Parcels 21500063, 21500061, 2150006106 and 2310004110.

Land Use Plan Map Amendment LUM-759:

Request to amend Tax Parcels 21500063, 21500061, 2150006106 and 2310004110 located off Holden Beach Road SW (NC 130) near Holden Beach from LDR (Low Density Residential) and MDR (Medium Density Residential) to Commercial.

Mr. Pages addressed the Board. He read the Staff Report (attached). He identified the subject property and surrounding properties on a visual map.

Mr. Pages said staff recommends approval from R-6000 (High Density Residential) and C-LD (Commercial Low Density) to C-LD (Commercial Low Density) for Tax Parcels 21500063, 21500061, 2150006106 and 2310004110 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map for Tax Parcels 21500063, 21500061, 2150006106 and 2310004110 located off Holden Beach Road SW (NC 130) near Holden Beach from LDR (Low Density Residential) and MDR (Medium Density Residential) to Commercial.

Mr. Dunham asked staff when the adjoining property (Tax Parcel 2150006103) was rezoned to C-LD? Mr. Pages said that particular parcel was split-zoned R-6000 and C-LD and the property was rezoned to C-LD on 01-Nov-10. Mr. Dunham asked staff if a Land Use Plan amendment was done at that time? Mr. Pages said the land classification was MDR (Medium Density Residential) and the land classification was changed to Commercial.

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

Mr. Sammy Varnam addressed the Board. He stated that Mr. Benny Ludlum owns 2 of the properties (Tax Parcels 21500061 and 2150006106) requested for a zoning change because he wanted his property to be zoned commercial rather than split-zoned R-6000 and C-LD. Mr. Pages interjected that Mr. Ludlum signed the application for his properties to be included in the zoning change.

Mr. Dunham asked if the 60' strip off Boonesneck Road SW (SR 1137) is a right-of-way? Mr. Varnam replied, yes.

Mr. Ronnie Clemmons addressed the Board. Mr. Clemmons said he jointly owns Tax Parcel 2150006307 with Mr. Michael Caison and he asked what the right-of-way will be used for off Quincy Street SW? Mr. Varnam said he purchased that easement from Mr. Alphonzo Roach and it is a non-exclusive easement for the adjoining property owners to use for ingress and egress to their property. Mr. Varnam said he will also continue use that easement for ingress and egress purposes. Mr. Clemmons said they are concerned with traffic in the area. Mr. Varnam said he would like to put a gate up to deter potential trespassers in the area and Mr. Clemmons was in favor of such happening.

Mr. Michael Caison addressed the Board. Mr. Caison asked if their taxes (joint owner of Tax Parcel 2150006307) will be increased if the subject property is zoned commercial. Mr. Dunham said their taxes should not be affected because their property is not being requested for a zoning change.

With no further comments, Mr. Ward 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 similar zoning nearby and the change will correct a split-zoning issue.

- II. 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. Water and sewer is available from Brunswick County along Holden Beach Road SW (NC 130). However, water and sewer connection will require developer responsibility to connect to the water and sewer systems.

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

It is not consistent with the CAMA Land Use Plan. However, an amendment has been requested from LDR (Low Density Residential) and MDR (Medium Density Residential) to Commercial.

IV. Is the rezoning reasonable and in the public interest? Yes ☒ No ☐

There were no objections to the zoning change and there is C-LD zoning nearby.

Mr. Ward made a motion to recommend to the Board of Commissioners to approve Tax Parcels 21500063, 21500061, 2150006106 and 2310004110 in conjunction with an amendment to the Official Brunswick County CAMA Land Use Plan Map for Tax Parcels 21500063, 21500061, 2150006106 and 2310004110 located off Holden Beach Road SW (NC 130) near Holden Beach from LDR (Low Density Residential) and MDR (Medium Density Residential) to Commercial 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 not consistent with the CAMA Land Use Plan. However, an amendment has been requested from LDR (Low Density Residential) and MDR (Medium Density Residential) to Commercial. There are portions of some parcels currently classified as commercial.

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

There were no objections to the zoning change and there are portions of some parcels currently zoned commercial and this will correct a split-zoning issue. There is also like zoning in the immediate area.

B. Planned Development Conceptual Plan Approval – PD-16.

Name: Sunrise Terrace (Revision)
Applicant: D.R. Horton
Tax Parcels: 029KA001, 029KA007 and 029KA00701
Location: Located on Village Road NE (SR 1472) near Leland
Description: The developer of Sunrise Terrace is proposing to add an additional 7 single family lots to the existing planned development which will result in a total of 97 residential lots on a gross site of 26.38 acres creating an overall density of 3.67 dwelling units per acre.

Mr. Pages addressed the Board. Mr. Pages read the Staff Report (attached). Mr. Pages identified the proposed area on a visual map and provided drone footage of the site.

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;
- That the development of the parcel(s) shall comply with all regulations as specified in the Brunswick County Unified Development Ordinance; and
- Prior to recording any additional lots, record a survey indicating the area in Leland's jurisdiction as common area/open space.

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

Mr. Frank Braxton, Coastal Land Design, addressed the Board on behalf of D.R. Horton. Mr. Braxton said the project was purchased from another developer and property was added that is in the Town of Leland. Mr. Braxton said they restructured the stormwater to accommodate 1 large stormwater pond rather than 2 stormwater ponds as originally proposed. As a result, they were able to create 7 additional lots for development. Mr. Braxton said water and sewer will be provided by Brunswick Regional Water and Sewer H2GO (H2GO). He further stated that they are working with the North Carolina Department of Transportation (NCDOT) to secure the driveway permit. Mr. Braxton said they are trying to tie the sidewalks to the park area and the mail kiosk area as well as a greenway trail along Village Road NE (SR 1472).

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

Mr. Dunham asked staff about the portion of the project that is in the Town of Leland? Mr. Pages said that portion of the project has been in the Town of Leland since the County implemented zoning in 1994. Ms. Dixon interjected that portion of the project is in the Town's city limits because they do not have an extraterritorial jurisdiction (ETJ). Mr. Dunham clarified that the project will have slightly less open space, but more of the open space will be recreational open space and Mr. Pages concurred.

With no further discussions, Mr. Price made a motion to approve Sunrise Terrace (Revision) Planned Development with the noted conditions by staff and the motion was unanimously carried.

C. Proposed Revisions to Solar Farm requirements in the Brunswick County Unified Development Ordinance.

Ms. Dixon addressed the Board. She discussed a memo (attached) previously provided to the Board regarding the proposed revisions to solar farm requirements. Ms. Dixon discussed the proposed amendments (attached) to Solar Farm requirements.

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

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

Mr. Leary made a motion to recommend to the Board of Commissioners to approve the proposed revisions to Solar Farm requirements and the motion was unanimously carried.

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

☒ **APPROVAL – The proposed text 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 text amendment only changes requirements for 1 use, thus creating no major impact.

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

The proposed text amendment addresses public concerns and gives property owners discretion in using their property. The proposed use is further reviewed by the Board of Adjustment and additional conditions can be imposed prior to approval.

D. Proposed Revisions to Temporary Use Permit requirements in the Brunswick County Unified Development Ordinance.

Ms. Bunch addressed the Board. She discussed a memo (attached) previously provided to the Board regarding Temporary Use Permits for Large Events (1,000 guests or more). Ms. Bunch discussed the proposed amendments (attached) to Temporary Use Permits for Large Events (1,000 guests or more). Ms. Bunch said the appropriate departments (Code Administration – Fire/Structures, Emergency Services, Environmental Health and the Sheriff's Office) as well as the County Attorney's office were involved in drafting the proposed revisions to address local and State regulations.

Mr. Dunham asked staff if large events held at a public park will be treated differently? Ms. Bunch said such uses would not likely occur at a County park, but the County does comply with ordinance requirements to the fullest extent possible. Mr. Dunham asked staff the type of events that would be defined as large events? Ms. Bunch said a music festival or any open event with 1,000 people or more. Mr. Dunham asked staff if any such events have previously occurred in the County? Ms. Bunch said there has been interest, but nothing has occurred thus far.

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

With no further comments, Mr. Simmons made a motion to close the Public Hearing.

Mr. Simmons made a motion to recommend to the Board of Commissioners to approve the proposed revisions to the Temporary Use Permit requirements and the motion was unanimously carried.

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

☒ **APPROVAL – The proposed text 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 text amendment is a modification to existing language to clarify large events of 1,000 guests or more.

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

The proposed text amendment provides regulations to ensure the public's safety, health and welfare is protected.

VIII. OTHER BUSINESS.

- Planning Board Cases Update

Ms. Dixon addressed the Board. She stated that there are no zoning cases for consideration to the Board of Commissioners at their 19-Feb-18 meeting.

- Planning Board Training

Ms. Dixon addressed the Board. She stated that staff has sought outside assistance for Board training that will include videos and/or a workshop. She said staff will send a survey to the Board with dates to schedule the training session and a date will be provided at a later date as well as items for discussion.

IX. ADJOURNMENT.

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