



Town of Navassa
Planning Board Minutes
May 13, 2009
7:30 PM

IN ATTENDANCE:

Planning Board Members: Al Beatty, Walter Ballard, Diane Graham, Melvin Walker.

Staff: Travis Barnes, Town Planner.

Other Attendees: Cameron Moore with BASE, Dorsey Jones Jr., Ella Beatty, Herbert Willis, Nehimih Holiday, Chris Rogers.

Call to Order – Al Beatty called the meeting to order at 7:40 PM.

Approval of Minutes – Mr. Ballard made a motion to approve the minutes from the previous meeting with corrections. Mr. Beatty stated that he had two corrections to the minutes. The first one is under item 1 of the old business to change the wording stating that the Planning Board will enforce the existing ordinances to state the town will enforce the existing ordinances because the Planning Board does not have the power to enforce the vicious dog ordinance. The second correction is under number 3, in the last paragraph, there was a typo. Mr. Walker seconded the motion to approve the minutes with the corrections and the vote passed unanimously.

OLD BUSINESS:

1. Minor Subdivision Application off Cedar Hill Road- Mr. Beatty stated that he has a question regarding the minor subdivision application. In particular, Mr. Beatty asked staff whether the proposed access road would be paved or a rock road. Travis Barnes, Town Planner, stated that the original applicant is no longer employed with the surveying firm, and that Paul Clark is now in charge of the subdivision application. Mr. Barnes stated that he has talked with Mr. Clark about the project but that he does not know whether the road will be rock or paved. Staff went on to state that Mr. Clark has asked the Planning Board to write into their conditional approval of the minor subdivision a condition that states the town needs proof that the existing railroad line on the property is officially abandoned by CSX or that the issue has been resolved in court. Staff presented a draft letter that included this additional condition. Staff stated that he asked Mr. Clark to construct the road to NCDOT standards but at this time the applicant does not know what will be done with the road because they might have to change their plans depending on what happens with the abandoned railroad line. Mr. Walker stated that he approved of the staff letter to Mr. Clark with the additional condition.
2. Discharging firearms and hunting from the right of way in the Town of Navassa- Staff stated that the town already has an existing ordinance (Town Ordinance #2001-001 Discharging Firearms). Staff read the entire ordinance aloud for the board and members of the public. The ordinance basically states that it is illegal to discharge a firearm within the town limits unless there is prior approval from the Navassa Police Department. Staff also stated that Brunswick County also has an ordinance that makes it illegal to hunt from any public right of way unless you are the owner of the property, you are leasing the property, or have written permission from the property owner. Basically, there is no hunting in the town limits unless you have written permission from the Navassa Police Department. Mr. Walker asked whether or not shooting related to special events, such as a turkey shoot, would still require permission from the police department. Staff stated that the ordinance requires that any shooting of any kind must have previously written permission from the Navassa Police Department, and that they have the authority to grant permission for certain special events or hunting. Ms. Beatty asked a question concerning shooting snakes or other threatening animals on her property. Staff stated that he had talked with Detective Graham of the Navassa Police Department and that the officer stated that they will investigate any shooting that goes on in the town limits, but that they are not going to enforce the firearm ordinance for situations involving threatening animals such as snakes, unless the firearm was discharged in a manner that would endanger other persons or property. Mr. Beatty stated that the Planning Board will let the Navassa Police Department enforce the existing ordinance and that should be sufficient.

NEW BUSINESS:

1. Review of the Draft Zoning Ordinance & Make a Recommendation to Town Council– Mr. Beatty stated that on May 7, 2009, Mr. Walker, staff, members of the public, and himself met to further review the draft of the ordinance so that corrections could be made prior to this meeting. Staff was asked to make some corrections and to present them tonight. Mr. Barnes stated that a list of all of the changes to the draft was attached to the agenda for the public to review. This list of changes is attached to these minutes and will not be addressed in this section of the minutes except for where there are comments or concerns from the planning board.
 - a) Staff added language that would require tree surveys to be done by a certified professional surveyor. Mr. Walker asked how much land would be required to get a certified tree survey. Staff replied that the existing language in the Draft Ordinance states that it doesn't matter how much land area you have, but rather it depend on the type of project you are doing. You have to have a certified tree survey for all projects except for a detached single family home on an individual lot, up to three attached dwelling units, or if a tree is dead or in some other way is threatening personal property. Mrs. Graham asked what trees are considered to be protected. Staff read the associated section of the Draft Ordinance aloud for the board and the public.
 - b) Mr. Barnes stated that right before tonight's meeting another error was found in Article 4, that was not included in the list of changes given to the board and the public. The language states that "D" in Appendix 1 represents a land use that is "permitted with development standards." Staff stated that "D" should rather represent a land use that requires "additional development standards" but is not automatically a permitted use. Mr. Beatty and Mr. Walker agreed that the intent of the ordinance was to have additional development standards placed on some permitted and conditional land uses, so they agreed the correction should be made.
 - c) In regards to the added development standards for golf courses, Mr. Beatty asked about the setback requirements between golf tee locations and parking lots. Mr. Beatty stated that he wanted to add language requiring setbacks from the parking lots to the golf tees to be the same as that between roadways and golf tees. Mr. Walker asked whether the listed hours of operation were standard in relation to other municipalities. Staff stated that the listed hours of operation were obtained from the county of Charleston, SC, and that he would double check to make sure that they were comparable to the hours of operation for our other listed land uses. Mr. Beatty stated that would be sufficient.
 - d) In regards to the definition of laboratories and research facilities, Mr. Beatty requested that biological agents be added to the list of potential hazards. Mr. Walker stated that he would like to get rid of the noise requirements so that the plant could operate 24hrs a day. Mr. Walker stated that he would rather see issues associated with noise and the hours of operation be addressed as part of the conditional use permit process, and the board agreed.
 - e) In regards to telecommunication towers, Mr. Walker asked staff to look into how to regulate the height of the towers. Staff stated he would look into the possibility of distinguishing between tall towers and small towers. Mr. Walker stated that this could be addressed as a text amendment at a later date due to the current moratorium time constraints.
 - f) In regards to the additional development standards that require liners for junkyards and recycling centers, Mr. Walker asked if anyone applying for this type of use would be required to get a landfill permit. Mr. Walker was concerned with making similar existing land uses in town have to apply for a permit and put in a liner. Staff stated that the existing uses would be grandfathered into the ordinance and would be exempt from the liner requirement.
2. Planning Board Recommendation- Staff gave the planning board a draft of a recommendation for approval of the Zoning Ordinance and associated maps to give to the Town Council. Mrs. Graham read aloud the entire recommendation for the board and members of the public.
 - a) Chris Rogers, a member of the public, stated that he would like to present an issue to the board concerning a parcel of land off of Mt. Misery Road. Mr. Rogers was under the impression that the proposed zoning would be changed to LI district, but Mr. Walker stated that the property is already zoned LI and that the new zoning map would not change it. Mr. Rogers asked when the parcel was originally rezoned. Mr. Walker stated that it had been rezoned about three years ago.

- b) Mr. Beatty asked that a correction be made on the draft recommendation. Mr. Beatty asked that staff remove the mention of “board of commissioners” and replace it with the “Town Council”. The problem was corrected and then asked the board for a motion. Mr. Walker asked staff if they have obtained the official Zoning Map from Mark Zeigler and the associated data files and GIS layers. Staff stated that he has already obtained all of the files and GIS layers. Mr. Walker stated that he thought the colors on the Zoning Map should be changed for some of the districts to make it more clearly distinguishable from other districts. Mr. Beatty and Mr. Barnes both agreed that this needed to be done. Mr. Barnes stated that he would contact Mark Zeigler and take care of this. Mr. Walker asked when staff would be able to get a copy of the final draft zoning ordinance to all of the Town Council members. Mr. Barnes stated he could have it done by the following Monday, May 18, 2009. Mr. Walker stated that once the draft goes up to the Town Council then no changes are allowed until after it is adopted and then such changes would have to be in the form of a text amendment.
- c) Cameron Moore asked the planning board about a parcel zoned CR on the Zoning Map. Mr. Beatty stated that this parcel contains a cemetery and that is why it is zoned CR. Mr. Moore stated that he also had a list of other comments.
- 1) Mr. Moore stated that it is his view and that of BASE that there are some concerns with tree surveys and that there is a gray area pertaining to the statue authority enabling cities and counties to enact them. Mr. Moore also stated that a Landscape Architect should be added to the list of professionals capable of completing a certified tree survey. Staff agreed that this is a valid point and that Landscape Architects have the necessary expertise to complete a tree survey.
 - 2) Regarding the golf course section, Mr. Moore asked if it pertained to stand alone golf courses or golf courses that are part of a larger development. Mr. Beatty and Mr. Walker stated that it only pertained to stand alone golf courses and that if a development wanted to incorporate a golf course as part of a larger development process then that would be addressed through the PUD article.
 - 3) Regarding not permitting schools in residential zones, Mr. Moore stated that if the town takes the schools out of these zones then it prevents students from walking or bicycling to them and contributes to sprawl. Staff stated that the board’s concern with this pertained to the fact that there is not a lot of area in the town that is zoned for residential districts and we did not want a large school taking up most of the residential area when there is plenty of rural zoning areas where a school could go.
 - 4) Mr. Moore stated that he would send staff some additional information regarding telecommunication legislation for the staff to review.
- d) **Mr. Walker made a motion that the agreed upon changes be incorporated into the final draft of the zoning ordinance, and that the planning board recommend to the Town Council to pass the zoning ordinance, the official zoning map, and the future land use map. Mrs. Graham seconded the motion. The vote passed unanimously.**
- e) Mr. Walker asked staff to continue to research and take care of the necessary notification requirements associated with adopting the zoning ordinance. Mr. Barnes stated that he has been working on the notification requirements and would mail out a letter to every land owner in Navassa, notifying them of the proposed zoning changes.
- f) Mr. Beatty reviewed the moratorium time-line: May 21st Town Council is holding a regularly scheduled meeting and the zoning ordinance will be open for public comment; May 26th the zoning subcommittee will be meeting to discuss group homes and foster care homes, Mr. Beatty stated he will not be able to attend; June 18th the Town Council will vote on whether to adopt the zoning ordinance based on their review of the public comments.

STAFF REPORT:

1. *Development Summary* – Mr. Barnes summarized the permits issued since the last meeting and updated the Board on the progress of the zoning subcommittees.
2. *Planning Board Training*- The training offered in partnership with the Town of Leland has been moved to

Thursday, June 25th at 6:00 PM and the board members are encouraged to attend.

3. *Cape Fear Commutes 2035* -- There is a public meeting on Tuesday, May 19th, from 6-8:00 PM at North Brunswick High School. Staff will be working the event. Planning Board members are encouraged to attend.
4. *Coastal Growth Strategies* – Staff and the Town Administrator attend this event regarding stormwater pollution, LID development, and public involvement. The NC SeaGrant has volunteered to come help the town do a stormwater meeting.

CHAIRMAN'S REPORT: Mr. Beatty reminded everyone that the next planning board meeting will be on June 10th at 7:30 PM. Also, Mr. Beatty directed staff to look into pursuing a noise/nuisance ordinance for the town.

MEMBER COMMENTS: None

PUBLIC COMMENT: Mr. Dorsey Jones asked for an update regarding the Cape Fear Pallet Company and the trash they had out front. Staff stated he and Mr. Beatty had gone to speak with the owner of the company and issued an official letter to the property owner regarding the piles of tires and other junk sitting out front. The property owner said that he would be willing to work with us and staff stated that progress has already been made. The issue of having pallets stacked out front ready to be staged is still a problem for the citizens, but at this time the town cannot do anything until a nuisance/noise ordinance is adopted because the company is grandfathered in.

ADJOURNMENT: Motion to adjourn by Mr. Walker. Second by Mrs. Graham. Meeting adjourned at 9:00 PM.

Minutes prepared by Travis Barnes, May 19, 2009.

Zoning Subcommittee List of Revisions From May 7th Meeting

3. Page 14-2: Under Monumental Tree Survey the following language was added in order to ensure proper compliance with the intention of our tree preservation measures; “The inventory and identification of monumental trees shall be performed by a qualified professional and the location of existing vegetation shall be performed and certified by a registered land surveyor or **landscape architect**, and submitted as part of the site plan application.”
4. Page 9-10: Golf Course development standards were added.
Golf Course, Private or Public, with Related Services, Including Pro-Shop.
 - (A) *Setbacks.* Tee areas must be located at least fifty (50) feet from any street right-of-way or parking lot. There shall be a fifty (50) foot minimum setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned property.
 - (B) *Netting.* Netting shall be provided in those areas where it is possible that a golf ball may travel onto adjoining property or streets.
 - (C) *Parking.* Parking areas shall not be located any closer than thirty (30) feet from the property line of any residential use.
 - (D) *Lighting.* Lighting shall be turned off between the hours of 10:00 PM and 6:30 AM, except for low level lighting located on private residential property.
 - (E) *Security Fencing.* Outdoor swimming pools shall be protected by a fence or equal enclosure, a minimum of four (4) feet in height, and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.
 - (F) *Impact Analysis.* An impact analysis must be submitted that indicates the potential number of members, the characteristics of the golf course membership, a traffic impact analysis and a complete site analysis as detailed below:
 - 1) *Required Site Analysis.* The layout of any golf course shall be determined after preparing the required site analysis. The detailed site analysis will be done in order to identify the site’s most significant environmental, historic, cultural, and natural resources. The site analysis will include:

- a. *Adjacent Land Use Patterns.* Land use on adjacent properties shall be identified. Features such as, but not limited to, roads, cemeteries, clusters of structures, residential structures, parks, and logging areas shall be shown.
 - b. *Hydrography.* All water features including streams and sensitive areas on the site, such as wetlands and riparian corridors, must be located. The purpose of locating these features is to limit disturbance of soil and vegetation that affect water quality features. Hydrography shall be used to determine where water required wetland buffers and other requirements such as drainage easements will be located. Wetland buffers of 50 feet are required on all estuary marshes, and 35 feet on all protected freshwater wetlands. All water bodies – rivers, streams, drainage channels, marshes or wetland, floodplains and aquifers must be inventoried or identified.

- (G) *Landscape, Habitat Preservation.* Potential sites should be selected which allow the golf course to be routed in such a way as to minimize the need to alter, create or remove existing native landscapes, trees, and vegetation, and which provide opportunities for restoration//enhancement of valuable habitat.

- (H) *Drainage Protection.* The site plan should protect drainage systems that support retained vegetation. Ponds shall be developed which mimic natural conditions in terms of both aesthetics and habitat.

- (I) *Location of Structures, Buildings.* Structures and buildings should be located such that impacts to habitats and significant natural areas are avoided.

- (J) *Design and Construction Standards.*
 - 1. *Marshes, Creeks and Wetlands.*
 - a. The golf course design must attempt to minimize the number of marsh, creek or wetland crossing. Marsh, creek or wetland crossings must be designed in such a way to minimize erosion and harmful effects of significant habitat and migration corridors.
 - b. Bridges must minimize alteration of the marsh, creek or wetland environment.
 - c. Design must create and restore riparian habitat,

especially in previously degraded habitat areas, and must reduce the impact of alterations necessitated by design and construction of the course.

- d. The course design must employ vegetated buffer strips of sufficient width to mitigate impacts to riparian corridors and other significant habitat which may result from surface drainage of the golf course, cart paths, and other developed areas. In certain circumstances where riparian vegetation has been degraded or does not exist, turf grass and rough areas may be located in closer proximity to the marshes, creeks and wetlands.
 - e. Cart paths must be graded such that runoff from them generally does not flow directly into any marsh, creek or wetland.
 - f. Construction fencing/siltation barriers must be utilized during the construction phase where needed to protect habitat and marsh, creek or wetland areas.
5. Appendix 3, Page A3-2: Golf Course Parking Spaces were added to require **4 spaces per hole and 1 additional space per 500 sq ft of enclosed floor area.** (Matches Brunswick County Requirements)
 6. Appendix 1, Page A1-3: School – elementary, middle, high school were taken out of zones R-8 and R-6.
 7. Appendix 1, Page A1-3: School – community college, college, university were taken out of the R-MF zone and added as a conditional use in RU.
 8. Appendix 1, Page A1-3: School – trade, vocational were added as a conditional use to zone RU.
 9. Appendix 1, Page A1-5: Laboratory for research and testing was changed from a permitted use in the LI zone to a conditional use with development standards in the LI zone.
 10. Page 2-5 in Article 2: The definition of a **Laboratory For Research and Testing** was added to the definitions section to read; “An establishment for providing offices and other related facilities for basic and applied research or experimental study, testing, or analysis of natural sciences, high technology products or services, including but not limited to pharmaceuticals, fertilizers, cosmetics, chemicals, or similar products, but not including a medical, dental, optical, or veterinary clinic, or a research facility located on the principal site of a health institution or university.”

11. Page 9-11: Laboratory development standards were added.

(25) Laboratories, Research Facilities, and Testing Facilities

- (A) *Use Separation.* The operations of these uses shall not be any closer than three-hundred (300) feet to any residential property line or zoning district. Neither shall any such operations be closer than three-hundred (300) feet to the property line of any school or day care facility.
- (B) *Noise.* Equipment-producing noise or sound in excess of seventy (70) decibels measured at the source, shall be located no closer than four-hundred (400) feet to the nearest residence. Upon request from the Town the facility shall provide proof that the noise levels are in compliance with this amount. The Planning Board shall consider the facility's hours of operation as part of the conditional use permit in order to ensure that noise from the facility does not adversely affect adjacent properties.
- (C) *Vibration.* No vibration shall be produced which is transmitted through the ground and which is discernible without the aid of instruments at or beyond the lot line.
- (D) *Dust and Particulates.* Emissions of dust and particulates shall be in accordance with the State of North Carolina rules and regulations governing air contamination and air pollution.
- (E) *Smoke and Burning.* Emissions of smoke and burning of non-vegetative matter shall not be permitted on the site.
- (F) *Disposal of Toxic and Hazardous Matter.* Disposal of toxic and hazardous matter on site shall be expressly forbidden pursuant to State and Federal regulations.
- (G) *Screening.* Any outside storage or demonstration facility shall be screened from view by a minimum of a six (6) foot fence on all sides.
- (H) *Permit Requirements.* The facility shall obtain all applicable County, State, and Federal permits.
- (I) *Local, State and Federal Regulations.* All such uses shall adhere to the requirements of local, state, and federal regulations related to the specified facility.

12. Appendix 1, Page A1-7: Home and office furnishings were added as a conditional use in the LI zone.

13. Appendix 1, Page A1-8: Telecommunications Towers were taken out of R-10, R-

8, R-6, R-MF, and NB

14. Appendix 1, Page A1-9: Carnival and fair were taken out of the NB zone.
15. Page 9-11: Under “Junk Yard”, Landfill was added.
16. Page 9-20: Under “Recycling Facility, Resource Recovery, Transfer Station, Landfill, and Junk Yard” additional development standards for *Liners, Leachate Collection Systems, and Final Cover Systems* were added based on comments from NCDENR Division of Waste Management to read: “All uses characterized by this section that store waste, recycling material, trash, garbage, salvage and junk materials on site (except land clearing and inert debris landfills) shall be equipped with liners, leachate collection systems and final cover systems as required in Section .0500 and .1600 of Subchapter 15A NCAC 13 B .0103 of the North Carolina General Statutes or the most current North Carolina Division of Waste Management standards, whichever is more stringent.”
 - A. Additionally I added: **Local, State and Federal Regulations. All such uses shall adhere to the requirements of local, state, and federal regulations related to the specified facility.**
19. All of Article 9 was updated to ensure consistency with Appendix 1 Table of Permitted Uses and needs to be printed (8 copies) if the Planning Board likes what I have.
20. Article 2 Definitions needs to be printed (8 copies) for the Planning Board if they approve of my definition of “laboratory for research and testing”.