



**Town of Navassa**  
**Planning Board Minutes**  
**August 11, 2010**  
**7:30 PM**

**IN ATTENDENCE:**

Planning Board Members: Al Beatty, Robert McMillan, Beverley Hutchinson, Diane Graham

Planning Board Members Absent: Walter Ballard

Staff: Travis Barnes, Town Planner.

Other Attendees: Christopher Rogers with Carolina Consults

**CALL TO ORDER:** Al Beatty called the meeting to order at 7:35 PM.

**APPROVAL OF MINUTES:** Ms. Hutchinson made a motion to approve the minutes from last month. Ms. Graham seconded the motion and it passed unanimously.

**OLD BUSINESS:**

1. **Text Amendments to the Zoning Ordinance:** Mr. Beatty reminded the board about the town's efforts to pursue some text amendments to the Zoning Ordinance over the past few months. Staff has attached an updated draft of the proposed text amendments that indicates where language has been added and where no change has occurred.
  - A. **Solar Systems-** Mr. Beatty stated that there has been no change on the agreed upon language from last month on this item.
  - B. **Article 15 Nonconformities-** Mr. Beatty stated that there has been no change on the agreed upon language from last month on this item.
  - C. **Article 14 Tree Preservation-** Mr. Beatty stated that last month the board had some discussion on the proposed language in the tree preservation article of the Zoning Ordinance. Mr. Beatty stated that at last month's meeting Ms. Hutchinson brought up a good point about how the town would properly determine a way to get cost estimates for required replacement pay-in-lieu trees. Mr. Beatty stated that the board asked staff to research this issue and then he asked Mr. Barnes to present what he found. Mr. Barnes stated that he sent out the draft tree preservation ordinance to a landscape architect and other planners to get comments on the draft. Mr. Barnes stated that one of the comments received pertained to the percentage of the building footprint that is allowed to be exempt from tree mitigation as described in item 7 on page 14-2. Mr. Barnes stated that the previously proposed language from last month allowed monumental trees within the footprint of the building to be exempt from mitigation provided that the total building footprint does not exceed 25% of the total lot area. Mr. Barnes said that after reading over this language and reviewing the comment from a landscape architect he suggested moving this percentage to 35% as a means of encouraging greater density in new developments, although by increasing the percentage the developer would not have to replace as many trees as before. Mr. Barnes stated that the City of Wilmington currently has 25%. Mr. Beatty stated that Navassa has more undeveloped land than Wilmington so he would be in favor of allowing it to go up to 30%, but not 35%. Mr. McMillan stated that he did not have a problem with it either way. Ms. Graham said that going to 30% instead of 35% would be a good compromise and the board agreed.

Mr. Barnes said the next change is found on page 14-4 under Section 14.5 Monumental Tree Survey. Mr. Barnes said that this is in regards to another comment he received from the Landscape Architect and it is designed to omit the required tree survey from having to be performed on jurisdictional wetlands. Mr. Barnes said the current language of the ordinance has an exclusion for monumental tree stands which allows the tree surveyor to mark a large stand of trees or other undeveloped area on the tree survey as being unaltered by the development and therefore they do not have to complete the tree inventory for every tree in these areas because construction will not affect them. Currently we do not have such an exclusion for jurisdictional wetlands, even though wetland areas will not be developed. Mr. Barnes stated that it is his opinion that we should not make developers have to perform a detailed

tree survey on jurisdictional wetlands, if they are identified as being undeveloped on the overall tree surveys and the Planning Board agreed with the suggested change.

Mr. Barnes reminded the board that last month Mr. Beatty also requested a change on page 14-6 in order to ensure that the replacement tree payment-in-lieu fees can only be used for certain things. Mr. Barnes said that he added language requiring that all of the money that goes into the Navassa Open Space Improvement Fund “shall only be used for the acquisition of public open space, providing capital improvements to public open spaces, landscaping of public open space, tree plantings, and beautification projects of public spaces within the Town of Navassa.” Mr. Barnes stated that he talked to Charlena Alston, Navassa Town Clerk, about this issue because she is in charge of the town’s finances and Charlena said it would be easy for the town to administer this requirement and to separate this money from the general fund. Ms. Alston said that when the payment came into the town, then she would simply create a new identification code that would identify all Navassa Open Space Improvement Fund money so it can be kept track of. Mr. Barnes said he will also need to change some language in the Navassa Subdivision Ordinance in order to ensure the payment-in-lieu mechanisms are consistent with each other. Mr. Barnes said he would present this change next month.

Mr. Barnes said the last change was in regard to the payment in lieu requirements and how the town would determine the cost of required replacement trees. Mr. Barnes said he contacted Phil Prete, Environmental Planner with the City of Wilmington’s Planning Department, to ask them how they administered their tree replacement requirements and Wilmington charges \$350 in payment-in-lieu fees for each required replacement tree not planted on the development site. Mr. Barnes said Wilmington calculated this fee based on previous contracts they have administered involving the planting of trees that ran between \$250 and \$550 per tree, depending on the size and type of tree and who the contractor was. Now the City charges a flat \$350 rate per payment-in-lieu tree and this cost includes the necessary materials and labor required. Mr. Barnes said the town would need to add this fee to its development services fee schedule so it could be updated at a later date without having to pursue a text amendment to the Zoning Ordinance. Mr. Barnes reminded the board that this \$350 fee would only pertain to the trees that are required to be placed on site, but for some reason they can’t due to site constraints or because the developer does not want them on the site. In this way, the town is encouraging the developer to keep trees on the site to begin with or face the penalty of paying for the trees they don’t provide. Mr. Beatty asked the board if they were clear on this issue and if they thought it was fair. The board agreed to the suggested changes.

- D. Article 6 Planned Unit Developments-** Mr. Beatty stated that he has been in discussions with staff regarding the need for fixing some issues in Article 6-Planned Unit Developments in the Zoning Ordinance. Mr. Beatty said he and staff would prefer to add these text amendments to the others the Planning Board has been working on and send them as a single recommended text amendment package to the Town Council as opposed to having a separate round sent to council at a later date. Mr. Beatty said that he would rather wait and do these together due to fact that some of the PUD developers will need these Article 6 changes to occur prior to them submitting applications because currently there are inconsistencies in the town’s ordinance that need to be fixed and also the town would not have to go through the process of having separate newspaper publishing’s and public hearings when Town Council reviews the text amendments. Mr. Beatty said staff has been researching how to write PUD regulations in zoning ordinances and Mr. Barnes has included some information from the American Planning Association for the Planning Board to review before next month’s meeting. Mr. Barnes said he has written comments on the handout and that he would also email the document in an electronic format.

Mr. Barnes said that the town currently has the PUD article in the Zoning Ordinance that regulates how PUD applications are submitted, what’s required to have a complete application, and how the development review process works. Mr. Barnes said that he has been in discussions with Allen Serkin, who was the previous Navassa Town Planner, and Mark Zeigler, who works with the NC Division of Community Assistance and who helped the town draft the Zoning Ordinance. Both of them have stated that Allen was working on the draft and then when he left Navassa Mark took over the process, however partially because of this transition in the writing of the document there are some inconsistencies with this article of the Zoning Ordinance and with other articles of the zoning ordinance and the subdivision ordinance. Mr. Barnes also said that there are some development review requirements and standards that are listed in the current PUD article that are not really feasible and create undue burdens on the developers. Mr. Barnes said that he would like the board members to read

the handout he has provided and it should help everyone understand how the development review process for PUDs should be administered.

For example, Mr. Barnes said that when first approving a PUD the application should include a concept plan that identifies separate “bubbles” of land area that will have an agreed upon maximum density and that will identify what types of land uses will be allowed to go into these “bubbles”, however we don’t need to see exactly where each building will be placed on the property. Once the PUD rezoning is approved the PUD will have its own set of zoning rules that are used in addition to the overall development regulations to determine which buildings are allowed and where they will be built. The current zoning ordinance language requires the developers to have a site plan showing where all buildings will be placed on the property before the PUD rezoning is allowed to be fully approved by the Town Council. It is unrealistic and cost prohibitive to ask the developer for this detail of information at this early stage in the PUD rezoning process, because some of the properties in question are over 900 acres it is not feasible to know exactly where every home will be built prior to knowing even if the rezoning will be approved. Mr. Barnes said that intends to have the recommended text amendments for this article by the next meeting.

#### **NEW BUSINESS:**

1. **Planning Board Term Limits:** Mr. Beatty stated that the Town Council has appointed each of the Planning Board members to a specific term limit and that these term limits are as listed in the agenda packet: Al Beatty to a three year term, Diane Graham to a three year term, Robert McMillan to a two year term, Walter Ballard to a two year term, and Beverley Hutchinson to a one year term.
2. **Planning Board Elections of Chairman, Vice Chairman, and Secretary:** Mr. Beatty said that now the Town Council has appointed each board member to term limits the Planning Board will need to hold an election of the Planning Board officers, pursuant to the adopted bylaws. Mr. Beatty stated that staff has created ballots for each of the Planning Board members and he requested each of the members to fill out the ballot and submit it to staff to be tallied and presented at next month’s meeting. Mr. Beatty stated that each of the board members will vote for one person to fill each of the respective board officer positions and the person with the most votes will be appointed to that position. Mr. Beatty stated that in the past the Secretary has not been a position that has really worked closely with staff, however in the future he would request that whoever is elected to this position have more direct contact with staff in order to check the minutes and follow-up on items requested by the board. Mr. Beatty stated that this is particularly important in case staff becomes sick or if something else happens where he would be out for a longer period of time, it will be important for the Planning Board to be able to carry on as best as they can. Mr. Barnes stated that he included a description of the responsibilities of each of the Planning Board Officer positions that is directly from the bylaws so that the position descriptions can be reviewed prior to submitting a complete ballot to him.
3. **Stormwater Comments:** Mr. Beatty stated that a couple of months ago staff handed out a draft of the town’s Stormwater Ordinance for review and to get comments from the board. The board agreed that the stormwater ordinance was very technical, but was a good thing for the town to be doing. Mr. Beatty stated that the Environmental and Stormwater Advisory Committee (EVS) has been working with staff to draft this ordinance since October of 2009 and if they are okay with it then he is okay with it. Mr. Barnes stated that the ordinance is nearly completed although the maintenance section still needs some work. Mr. Barnes said that the EVS committee has put in a lot of hard work to get this far along with the ordinance and that staff has also been working with other professionals to solicit input on the ordinance including: landscape architects, engineers, the Business Alliance for a Sound Economy, and the North Carolina Department of Environment and Natural Resources.

Ms. Hutchinson asked if the main goal of the ordinance was to prevent stormwater runoff and why do we have to have the ordinance. Mr. Barnes said that Navassa is a National Pollutant Discharge Elimination System Phase II municipality due to the town’s proximity to the City of Wilmington and therefore the state requires the town to have a stormwater ordinance. Mr. Barnes said the main goal of the stormwater ordinance is to address stormwater runoff quantity and quality when reviewing new development or redevelopment. Mr. Barnes said the idea is to make the development site drain as close to the same after the construction occurs as it did before the development site was disturbed. Mr. Barnes said that the Planning Board would not be reviewing stormwater permits, but that they need to be aware of how the stormwater permit will fit into the development review process.

Mr. Beatty asked how the stormwater ordinance would affect the town's brownfield cleanup sites. Mr. Barnes said that the EPA Superfund sites will be administered by the Environmental Protection Agency and only new development and redevelopment in the town is within the scope of the town's stormwater ordinance. Mr. McMillan asked staff if the stormwater ordinance addressed French drains such as where a homeowner will run a pipe under their property to an adjacent ditch to pipe washing machine water, etc. Mr. Barnes said that the stormwater ordinance will address these situations and that they are classified as illicit discharges under the stormwater ordinance and they are prohibited from being used. Mr. Barnes said that another part of the stormwater program that the town is supposed to be doing is to search for illicit discharges such as this and to properly remove them, however with the current staff illicit discharge detection has not been the top priority.

#### **STAFF REPORT:**

1. **Development Summary:** There was 3 zoning compliance application approved since the last board meeting: 1 for Marvin Ballard to construct a new 16' X 20' bedroom and bath addition to his home located at 2559 Old Cedar Loop Road' 1 for Gregory Westfield to construct a new single-family home at the newly created address of 9474 Beaulah Lane; and 1 for Kerwin Willis to place a mobile-home on his property on a parcel that has yet to be assigned an address. The address has not been assigned due to the lack of a properly recorded access easement at this time.
2. On August 2<sup>nd</sup> staff met with Jason Walker, SAFEbuilt's Building Inspector, for training on the new inspections software and the system is up and running. Mr. Barnes stated that so far he has put in a few permits and everything has been working well. Staff stated that there will be a substantial increase in the amount of work that he will have to because he will now be responsible for keeping up with all of the permits and dealing with the contractors, but that in the long run it will benefit the town.
3. On August 5<sup>th</sup> staff sent out the job description for a new planning intern.
4. On August 5<sup>th</sup> the River Bend PUD development team and the Indian Creek PUD development team met with members of the Planning Board and the Town Council in order to discuss the progress on their respective projects.
5. **Update on Items from Town Council:**
  - a) Code Enforcement- Still waiting on policy direction from the council
  - b) Town Attorney – Claudia Bray, Navassa Town Administrator, has been in discussion with a few different lawyers about this.

#### **Chair's Report**

1. The next Planning Board meeting will be **Wednesday, September 8, 2010 at 7:30 PM.**

#### **Member Comments**

#### **Public Comment**

#### **Adjournment**

Minutes prepared by Travis Barnes, Town Planner on August 26, 2010