



**Town of Navassa  
Planning Board Minutes  
September 8, 2010  
7:30 PM**

**IN ATTENDENCE:**

Planning Board Members: Al Beatty, Beverley Hutchinson, Diane Graham, Walter Ballard

Planning Board Members Absent: Robert McMillan

Staff: Travis Barnes, Town Planner.

Other Attendees: Councilman Craig Suggs, and Adam Lisk

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

**APPROVAL OF MINUTES:** Mr. Ballard 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 & Subdivision Ordinance:** Mr. Beatty said that at last month's meeting the board discussed the text amendments listed in the agenda packet and some of them have not been changed since that meeting. He then asked if the board members have questions regarding any of these previously agreed upon text amendments before we begin with the new amendments. Mr. Suggs said that he wanted some clarification on the minutes in regards to the need for PUD amendments to fix inconsistencies in the existing Zoning Ordinance. Mr. Barnes said that during the process of writing the Zoning Ordinance there was some turnover with the town planner position and the coordination between the state's planner that was assisting the town. Mr. Barnes said that whenever you are writing an entirely new zoning ordinance, there are going to be some bugs that need to be worked out and that often you will not be able to find them until you actually start working with the ordinance to review actual development plans. Mr. Barnes said one of the issues involved the development review process for approving PUD rezonings. Mr. Barnes said that in order to get a PUD approved using the current zoning ordinance a developer must provide a concept plan for the PUD, a narrative document that serves as the zoning regulations for the PUD, and then a preliminary plan and final plan to be approved before the rezoning can be allowed.

Mr. Barnes said this process is problematic because the preliminary plan and the final plan requires the developer to have a site plan that shows the location of where each building and structure will be placed and when you are reviewing a PUD for a 900 acre property it is cost prohibitive to require a developer to spend the money to have engineers and surveyors show where every building will go before they even know if they will get their rezoning request approved. Mr. Barnes said another issue is with the height limits allowed in the PUDs. He went on to say that another major issue deals with the open space requirements, which are currently inconsistent between multi-family developments, PUDs, and subdivisions and that there needs to be some common standards created. Mr. Barnes said that the existing language in the ordinance would work better for a small scale PUD of 10-15 acres, but is too burdensome for a project that is large scale like 900 acres. Mr. Barnes said that he would get into these issues in more detail later in the meeting because they are listed on the board's agenda.

- I. **Solar Systems-** No Change.
- II. **Article 15 Nonconformities-** No Change.
- III. **Article 14 Tree Preservation-** No Change.
- IV. **Article 2 Definition of "Essential Site Improvements" for Tree Preservation-** No Change.
- V. **Subdivision Ordinance Text Amendment to Correct Typo on Page 27-** The board agreed the typo needed to be fixed.
- VI. **Subdivision Text Amendment to address typo and Navassa Open Space Improvement Fund on page 43-** Mr. Beatty said that the board had asked staff to make sure that the language regarding the pay in lieu system for the Subdivision Open Space Requirements matched that developed for the Tree

Preservation Article. Mr. Barnes said that he drafted language that fixed the duplicate typo and that he then added language that ensured that money paid to the town in lieu of open space would go into the Open Space Improvement Fund as described in the Tree Preservation article of the Zoning Ordinance. Mr. Barnes said that he also deleted duplicated language that stated that the pay in lieu contributions from development will be used in the same service area of the town. Mr. Barnes said that it is a good idea to make sure that the pay in lieu money is used in the same general area as new developments that so that you don't have new developments with no open space nearby. Mr. Beatty said that in some areas of the town it would be potentially difficult to ensure that the pay in lieu money be used in the same service area and he would like to add language that gave some discretion over this. Mr. Barnes said he would add language to address this issue.

**VII. Article 6 Planned Unit Developments-** Mr. Barnes said that there are number of proposed changes to this article of the ordinance so he provided the board with a copy of the entire article. Staff reviewed the current development review process that is detailed in the existing town Zoning Ordinance and then gave a general overview of the changes he was recommending to the board. Mr. Beatty asked staff to create a flow chart that would make it easier to visualize the differences being proposed in the development review process. Mr. Barnes said that he would have the flow charts at the next meeting. Mr. Barnes then proceeded to go through the PUD article line by line in order to address each text amendment listed. Mr. Barnes asked the board to stop him at any time during this process to address any questions or comments regarding the suggested changes. The minutes below reflect comments, changes, or suggestions the board stated at the meeting:

- In regards to the Pre-Submittal Meeting described on the bottom of page 6-4, Mr. Beatty asked staff to include the Future Land Use Map designation to be reviewed in addition to the other items listed. Mr. Barnes said that he would make the change.
- In regards to the neighborhood meeting requirement described on page 6-5, Mr. Beatty asked staff where the ½ mile radius of notification originated. Mr. Barnes stated that the current ordinance requires all civic organizations within ½ mile of the PUD to be notified of the required neighborhood meeting and that this was in the original draft before he began working with the town and he did not know why ½ mile was selected. Mr. Beatty suggested changing this requirement to be a 1mile radius of notification. Ms. Graham also stated that she liked the idea of increasing the notification radius in order to better inform the public.
- In regards to Item 6.7 (4) C (3) F on page 6-7, Mr. Beatty requested that staff include additional language that would account for federal projects and military projects in addition to the already specified local projects due to the fact that we have the Sunny Point Military Terminal in close proximity to the town limits. Staff said that he would add the changes.
- In regards to Item 6.7 (4) D (1) at the bottom of page 6-7, Mr. Beatty requested that sidewalks be added to the list of items required under the supportive information infrastructure plans. The planning board agreed to this request and staff said that he would add the new language.
- In regards to Item 6.7 (4) D (2) at the top of page 6-8, Mr. Barnes explained to the board that he needed to do some more research on how other jurisdictions require traffic impact analysis. Mr. Barnes said that there might be a way of conducting the TIA and the recommended improvements that the analysis identifies in stages or phases as the development is constructed as opposed to requiring all of the TIA recommendations for the whole project prior to the approval of a final plat for the first phase. Mr. Barnes said that he would contact staff with the MPO to see if they had any experience with this. The board asked staff to do some additional research and to come back with a recommendation.
- In regards to Item 6.7 (6) “Planning Board Review and Action”, at the bottom of page 6-8 and top of page 6-9, Mr. Beatty asked staff to specify the time line that the Planning Board has to review a complete PUD application. Mr. Barnes said that the timeline for review is addressed in another section of the ordinance, but that he could also include it in this section. Mr. Beatty asked staff to make sure that the review timeline is consistent with that of a major subdivision application.
- In regards to Item 6.7 (7) “Town Council Review and Action” on page 6-9, Mr. Barnes said that he suggests adding language that will allow the Town Council to delegate the review of

the preliminary development plan and final development plan to the Planning Board if they desired to do so. Mr. Beatty stated that he would prefer to omit this language because he felt that the Town Council should have the final say on the development and review of each phase of a PUD. Mr. Barnes said that the suggested language was written to simply give the Town Council the option of delegating the review responsibility to the Planning Board but that it does not require them to do so. Mr. Beatty said that he would still prefer that the responsibility lay in the hands of the Town Council and that they not be able to give that responsibility to the Planning Board.

- In regards to Item 6.7 (8) (G) on page 6-11, Mr. Beatty said that traffic congestion is listed as one of the items that the Planning Board and the Town Council must consider when reviewing the PUD application, but if we are not going to require the traffic impact analysis to be performed before the submittal of the concept plan and PUD narrative then it will be hard for this to be properly considered by the board and council. Ms. Hutchinson agreed that the existing language in the article is problematic. Mr. Barnes said that he can delete the language that lists the traffic congestion or he can add new language that would state that the traffic considerations should be based on the TIA recommendations, however this will require more work because at this time we haven't determined exactly when a TIA will need to be performed. The board felt that it is important to leave in some language that addresses traffic concerns. Mr. Barnes said that he would provide the board with a recommendation at the next meeting after he has more time to research the TIA requirements and process. The board could potentially make it a condition of approval that the proposal follow the recommendations of the TIA, and this requirement could be listed somewhere in the article.
- In regards to Item 6.7 (9) (A) "Abandonment" on page 6-12, Mr. Barnes said that he suggests changing the language in the article to allow the developers to have more time to complete their development phases before they are to be considered formally abandoned. The board agreed that the current timeframe is too short and that more time should be provided for the developers to complete the projects. Mr. Beatty suggested the possibility of having some sort of development threshold of 80% or something like that in which the development could not be considered abandoned after it had reached that point. Mr. Barnes said that he would look into this option, but that he would be concerned with how we would potentially calculate this percentage. The board felt that the amount of time allowed for the requested extension should be moved from 180 days to 2 years. Mr. Barnes said that he would see what other towns allow for the abandonment time frame and he would also make the requested change.
- Due to time constraints Mr. Beatty requested that the board stop reviewing the text amendments on page 6-13 of the PUD article so that the board could finish the rest of the items on the Planning Board's agenda. Mr. Beatty asked the board members to read the rest of the article and be ready to provide comments at next month's meeting.

**VIII. Trash Transfer Facility-** Mr. Barnes said that there has been an informal request for the Planning Department to review how the Zoning Ordinance permits trash transfer facilities while the Planning Board and staff are already in the process of evaluating text amendments to the ordinance. The request is to have trash transfer facilities to be allowed as a conditional use in the Rural and Light Industrial zoning districts in addition to the Heavy Industrial district. Mr. Barnes said that the Zoning Ordinance currently treats "Recycling Facility, Resource Recovery, Transfer Station, Landfill, and Junk Yards" land uses as the same and they are currently allowed only as a conditional use with additional development standards in the HI district. Mr. Barnes stated that the ordinance has a pretty strict list of additional development standards that are required of these type of land uses, although there are some significant differences amongst these types of facilities because a landfill or junkyards stores material on site, while a trash transfer facility does not necessarily. Mr. Beatty stated that he would like to distinguish landfills and junkyards from trash transfer facilities, resource recovery, and recycling facilities because they are different. Mr. Barnes said that the board could do this by separately defining "recycling facilities, resource recovery, and trash transfer facilities" and then creating separate additional development standards for these uses as opposed to those found for "junkyards and landfills". In this way these groups of land uses can be permitted separately from one another in the ordinance. Ms. Hutchinson said that she felt that landfills and junkyards should only be allowed in the HI district but that she is okay with separating out recycling facilities and having different standards for them. Mr. Beatty said that he agreed that over the years Navassa has been considered a dumping

ground in northern Brunswick County as evident by the multiple brownfield sites in the town and other previous development proposals. Mr. Beatty stated that he is opposed to having landfills and junkyards in Navassa at this time, but that he thought there is some merit to having recycling and resource recover industries that are going to create jobs as long as they don't pollute Navassa in the process.

**IX. Update Names of Town Council and Planning Board in the Subdivision and Zoning Ordinances-**

This amendment was agreed upon by the board.

2. **Planning Board Election Results:** Mr. Beatty stated that at the August meeting the board held elections for the Planning Board officers and that Beverley Hutchinson was elected as the Secretary and that he was elected as the Chairman. Mr. Beatty said that there was a tie for the Vice Chairman position between Diane Graham and Walter Ballard, so staff has prepared another ballot for the board to revote for this position. Mr. Beatty asked the board members to cast their vote and to submit their ballots to Mr. Barnes before they leave the meeting tonight. Mr. Beatty said the results would be announced at the next meeting and he asked staff to edit the Planning Board letterhead to reflect the results. 117

**NEW BUSINESS:**

1. **Flood Damage Prevention Ordinance:** Mr. Beatty asked staff to present this item. Mr. Barnes directed the board to review the memo attached to their agenda packet that described the need for this text amendment to the Flood Damage Prevention Ordinance. Mr. Barnes said that when the town was using Brunswick County Building Inspections and Permitting the town's Floodplain Administrator was the Brunswick County Chief Building Inspector who is Mr. Delaney Aycock. Now that the town is utilizing SAFEbuilt Inc. for building inspections and permitting the town will have to amend the Flood Damage Prevention Ordinance to state that "the Navassa Chief Building Official" will be the designated Floodplain Administrator and the town will be administering the ordinance. Mr. Barnes said that this will not be a problem because Jason Walker, with SAFEbuilt Inc worked in Ocean Isle Beach as the Chief Building Inspector and he has experience in floodplain administration. Mr. Barnes said that he has contacted the appropriate representatives with the state and they have directed him to send them a copy of the amended ordinance once it is approved by the Town Council. The state will need to approve the amended ordinance and then they will forward it to FEMA to be reviewed. It is important that the town maintain its participation in the National Flood Insurance Program. Mr. Barnes said he will need to get with Brunswick County in order to get copies of previously approved flood plain certificates and other information related to floodplain administration so that the town will have good records. Ms. Graham asked if the town had a lot of area that is subject to flooding. Mr. Barnes said that most of the town is not in a flood zone, however there are some areas along the creeks and the Brunswick River that could be subject to flooding. Mr. Barnes said that most of the areas within the 100 year floodplain that are within the town are listed on the town's Future Land Use Map as desiring to be undeveloped and retained as conservation areas. Mr. Barnes asked the Planning Board if they wanted to go ahead and provide a recommendation on this text amendment to the Town Council at this meeting because it would be good to complete the transition of the flood plain administration sooner than later considering it is hurricane season. Mr. Barnes said that the town will be required to hold a public hearing on this text amendment and to properly advertise the hearing in a newspaper.

**Ms. Graham made a motion that the Planning Board recommend that the Town Council approve this text amendment to the town's Flood Damage Prevention Ordinance. Mr. Ballard seconded the motion and it passed unanimously.**

**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 Beulah 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. Mr. Barnes said that things have been going really well with SAFEbuilt Inc. thus far. Mr. Barnes said that so far it looks like the town made 5 times the revenue that it would have made in the past month compared to when the town was working with Brunswick County inspections.

3. Mr. Barnes said that he has received all the applications for the Planning Internship position and that the top 4 applicants will be interviewed by the Town Administrator, Mr. Beatty, and himself. Mr. Barnes said that the intern should be selected and working by the next Planning Board Meeting.
4. ***Update on Items from Town Council:*** Councilman Suggs said that it was his understanding that Claudia received three applications for the Town Attorney position, but he is not aware of what is going with the interview process. Mr. Suggs asked what is going on with code enforcement. Mr. Barnes said that the Planning Board had started doing a lot of work on a Noise and Nuisance Ordinance at the end of last year however we are waiting on direction from council to complete this ordinance. Mr. Beatty said that once the ordinance is adopted the town would need some additional staff to help perform code enforcement.

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

1. Mr. Beatty said that he and staff have been working with the River Bend developers, NCDOT, and the NC Wildlife Resource Commission in order to try to get the public fishing pier and boat access near the I-140 bypass, in addition to the collector street under the bypass. The collector street would provide the town with better connectivity for emergency services and for the commercial aspects of the River Bend Development. At this point it looks like the collector street would have to be a tunnel under the bypass.
2. The next Planning Board meeting will be **Wednesday, September 8, 2010 at 7:30 PM.**

#### **Member Comments**

#### **Public Comment**

#### **Adjournment**

**Ms. Graham made a motion to adjourn the meeting and Mr. Ballard seconded the motion and it was approved unanimously.**

Minutes prepared by Travis Barnes, Town Planner on September 22, 2010