



Town of Navassa
Planning Board Meeting Minutes
March 9, 2011
7:30 PM

IN ATTENDANCE:

Board Members Present: Al Beatty, Diane Graham, Robert McMillan, Walter Ballard, Beverley Hutchinson

Board Members Absent: None

Staff: Travis Barnes, Town Planner

Other Attendees: Councilman Jerry Merrick; Michael Tackett with The Clark Group and Indian Creek PUD; Steve MacCurry with the Indian Creek PUD; Dan Weeks with the River Bend PUD; and Dorsey Jones Jr.

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

APPROVAL OF MINUTES: Mr. Ballard made a motion to accept the minutes with any necessary corrections. Ms. Graham said there was a typo in the first paragraph of the minutes that needs to be corrected. Mr. Barnes said that he would correct the misspelled word. Ms. Hutchinson seconded the approval of the February minutes with the stated correction and the minutes passed unanimously.

OLD BUSINESS:

1. **Amend Development Services Fee Schedule:** Mr. Beatty said the board reviewed some potential changes to the development services fee schedule at the last meeting and the board requested that staff make some additional changes. Mr. Beatty said the agenda packet includes a table displaying the current fee schedule alongside the proposed fee schedule. Mr. Beatty asked the board if they had any problems with the suggested changes and no one had any concerns. Mr. Beatty then asked the board to review the proposed stormwater fee schedule. Mr. Beatty asked staff how he came up with the recommended fees.

Mr. Barnes said that the proposed stormwater fees are exactly the same as the Town of Leland's stormwater fees, except for the residential stormwater permit, which was increased from \$250 per acre to \$300 per acre. Mr. Barnes said that Leland has contracted with Right Angle Engineering to perform the engineering review of the stormwater permits that Leland would be issuing. Staff talked with Right Angle Engineering about Leland's fee schedule and Right Angle charges about \$100 an hour on average to review stormwater permits. Mr. Barnes said that he talked with Jim Vithalani, with Right Angle, and Jim recommended that we increase the fees for residential permits because he feels that the cost of his review would exceed the cost of the application under Leland's current fee schedule, however the application fees for the commercial stormwater permits would make up for this loss in revenue and would enable the town to cover the cost of review and save some money for developing a stormwater department. Mr. Barnes said that staff would be reviewing the stormwater applications to look at maintenance issues, minimum requirements, etc. and that the engineers would be responsible for performing the required calculations regarding the quality and quantity of the stormwater.

Mr. Barnes said that the Navassa Public Works Department is also looking at implementing a stormwater impact fee for all new development, so that they can start to build revenue to support some full-time stormwater staff for the town. The impact fees would be collected along with the

sewer and water impact fees. Mr. Beatty requested that staff keep the Planning Board informed as to the progress on the impact fees. Mr. Barnes said that he is going to let the Public Works Department handle the impact fees in association with the Utility Operations Board, but that he would provide updates to the Planning Board as requested. **Ms. Graham made a motion that the Planning Board recommend the amendments to the Zoning and Subdivision Fee Schedule and the Stormwater Fee Schedule and that the recommendation be forwarded to the Town Council. Mr. Ballard seconded the motion and it passed unanimously.**

2. **Round 3 Text Amendments:** Mr. Beatty asked staff to describe the updates to the proposed text amendments. Mr. Barnes said that at the last meeting the Planning Board had a few minor changes to the Subdivision Ordinance that they requested to be addressed. Mr. Barnes then went through and discussed each of the changes he made to the previous draft. Mr. Beatty asked the board if there were any questions with the changes staff had made.

Mr. Barnes asked the board to look at the memo he has provided in the agenda packet that described a small change to the town's Zoning Ordinance. Mr. Barnes said that at the last meeting the board had requested that the multi-family density requirements remain the same and that they did not want to amend that section of the ordinance. In light of the board's request, Mr. Barnes said that the only proposed change to the Zoning Ordinance would therefore be on the usability of the open space and that he recommended changing the active open space requirement to 25% of the required open space. Mr. Beatty asked staff what is the maximum number of multi-family units allowed per structure in the current ordinance and Mr. Barnes said that a maximum of eight units are allowed per multi-family structure, unless the multi-family project is part of an approved planned unit development in which exceptions have been granted. Mr. Beatty asked the board if they had any questions about the proposed text amendments to the Subdivision Ordinance or the Zoning Ordinance. **Ms. Graham made a motion that the Planning Board recommend approval of the Round 3 text amendments to the Subdivision and Zoning Ordinance and Mr. Ballard seconded the motion. Mr. Barnes reminded the board that the NC General Statutes requires that the Planning Board adopt a written statement addressing whether or not proposed text amendments are consistent with the town's other adopted plans and land use plan. Ms. Hutchinson then read out the staff prepared written statement regarding plan consistency. The motion then passed unanimously.**

NEW BUSINESS:

1. **Indian Creek PUD Rezoning Application:** Mr. Beatty stated that Mulberry Land Company LLC has submitted a formal application package to rezone Tax Parcel ID# 01700053 to the PUD district to pursue the Indian Creek Planned Unit Development. The required neighborhood meeting regarding this development was held February 15, 2011. Mr. Beatty said that last month the board had some preliminary discussions with the developers and that there was some additional information that the board requested. Mr. Barnes said that the applicant's PUD narrative that was submitted is organized in a similar format to that of the town's Zoning Ordinance so that it would be more easily reviewed and would remain as consistent as possible with the existing development standards. Mr. Barnes said that he included a staff report on the applicant's rezoning request that was included in the board's agenda packet and that the staff report identifies the areas of the PUD narrative that differ from the town's Zoning Ordinance.

Planning Board's Requested Changes to Indian Creek PUD Narrative:

- Mr. Barnes said that in regards to page 5, Mr. Beatty had requested additional information regarding how the development would provide water and sewer infrastructure. Mr. Barnes said that he has been working with Steve Pagley, Navassa Public Works Supervisor, in order

to obtain all of the existing interlocal agreements between the town and Brunswick County regarding water and sewer connections in the Phoenix area of town. Mr. Barnes said that he is still looking for one specific agreement regarding the Bluffs Line that runs along Cedar Hill Road. Mr. Barnes said that at this time the Zoning Ordinance does not require the developer to provide specific engineering designs or reports for the infrastructure plans. What is important is that the PUD narrative clearly obligates the developer to provide the infrastructure in accordance with the town's engineering specifications and in accordance with the recommendations of the town and Brunswick County, which their PUD narrative currently does. Mr. Barnes said that the specific engineering plans will be provided at the first phase of development. Mr. Beatty said that he would like for the PUD narrative to reference any specific interlocal agreements that the town has with Brunswick County that might affect the provision of infrastructure in the development. Mr. Barnes said that he would get all relevant agreements to the Indian Creek development team so that they could reference them if needed.

- Chairman Beatty asked the board to turn to Page D-2 in the PUD narrative and then asked Mr. Barnes to review the bufferyard standards with the board. Mr. Barnes stated that in his staff report he has identified all aspects of the PUD narrative that differ from the town's current zoning standards and then he proceeded to describe the different bufferyard classes associated with various land uses. Mr. Beatty asked the Indian Creek team if they were planning on doing extensive earthen berms within the Indian Creek PUD and Mr. MacCurry said that they do not have any specific plans to do earthen berms. Mr. Tackett said that there might be some smaller landscaped berms between some of the higher density/ more intensive land uses and some of the single-family homes, but that they did not think it would be necessary to do a lot of berms anywhere. Mr. MacCurry said that there might be some berms between the heavily traveled main road and adjacent homes, but that would be addressed at the phase level. Mr. Barnes said that the earthen berms are only allowed as a potential option for addressing the Type IV bufferyards, which are the most intensive buffers.
- Mr. Beatty had a question regarding the landscaping standards proposed in Exhibit G of the PUD Narrative and was concerned about the amount of time proposed by the developer to be allowed for replacing dead or missing plants after receiving notification from the town. Mr. Barnes said that the town's zoning ordinance requires developers to replace dead or missing plants required by the landscaping standards to be replaced within one month of notification being given, whereas the Indian Creek PUD is proposing six months. Mr. Beatty said that he would prefer to allow a three month replacement period. Ms. Hutchinson agreed that three months was plenty of time to allow the developer to replace the plants. Mr. Tackett stated that they did not have a problem with the three month requirement and that the reason they had requested more time was to take into account plants that might die at the beginning of winter and could not easily be replaced until spring, which would be longer than the one month permitted by the town's zoning ordinance. Mr. Beatty said that he understands the concern but that the town will use common sense when making the notification to replace dead plants and that they would be willing to work with the developer to consider the planting requirements of specific plants, but that they did not want to miss opportunities to replace dead plants as soon as possible. Mr. Tackett said that they would change the replacement period to 3 months and 6 months when there are extenuating circumstances.
- Mr. Barnes said that he had sent the Indian Creek development team a list of notes on their PUD narrative that was distributed to the Planning Board asking for some changes and

additional information and that the Indian Creek team has completed his request by providing him a revised version of the narrative. Mr. Barnes said that they have included a table in the front of the narrative that lists the maximum number of homes, the open space acreage, and the dwelling units per acre in a more easily presented format. Mr. Barnes discussed the densities requested by the developer and compared the permitted multi-family densities allowed in Leland, Shallotte, and Wilmington. Mr. Tackett stated in all of the areas of the proposed PUD they have only four areas that have a maximum density over 10 dwelling units per acre (DUA) and with two multi-family areas requesting 18.4 DUA and 18.9 DUA respectively. Mr. Tackett said that the whole development would allow an average DUA of 3.7 including everything, and if you take out the multi-family areas and just calculate the single-family areas they are at 2.3 DUA, and if you just look at the multi-family portions by themselves then they have an average of 13.7 DUA.

- Mr. Merrick said that he was concerned with the lack of low to moderate income housing within the development and he asked staff if the zoning ordinance required that. Mr. Barnes said that currently the town's zoning ordinance does not have any requirements that specify a certain percentage of a development must be low to moderate income (LMI) homes, which is called inclusionary zoning. Mr. Merrick asked the development team if that is something that they would consider. Mr. MacCurry said that it was his vision that the development would be a working community that would be moderately priced. Mr. Merrick asked if the development team would consider writing a requirement that 8% of the units be LMI. Mr. Barnes described inclusionary zoning and stated that only a few places in the state have such requirements, and that the administration of the LMI housing programs is the hard part, because there has to be an application process, safeguards to ensure the homes remain at affordable rates, and often a third-party housing authority is in place to help with administration. Mr. Barnes said he is concerned that Brunswick Housing Authority is not yet capable of administering such a program and that the town would not be able to do so on their own. Mr. MacCurry said that he has not considered requiring any LMI homes, but that he feels that the apartments, town homes, and patio homes within the Indian Creek PUD will be attainable for the average family and will be moderately priced. Ms. Hutchinson said that she wants the existing residents in the town to not be left out and that she wants them to be able to buy homes in the new development and she asked if there is an existing program locally to administer low to moderate income housing. Mr. MacCurry said that he is not aware of a program, but the homes will be available for anyone to purchase and they would encourage people to check with the local housing authorities to see what assistance might be available. He said that the land costs are cheaper here so the price points for the products he is producing should be affordable for starter families and others. Mr. Barnes said that for example the Lena Springs development could be considered a low to moderate income housing community, but that the homes are still sold at a market rate and there is no mandate that the homes stay within a certain price range, even though when compared to the rest of Brunswick County they could be considered LMI housing by some standards.
- Mr. Barnes then proceeded to go through each of the items he identified under his recommendations in the staff report. Mr. Barnes said that one of the biggest issues deals with open space amenities that the development is proposing and we need to have the PUD narrative clearly state who will be responsible for providing the specific park amenities and to also identify who will be responsible for maintaining which open space areas. Ms. Hutchinson said that she feels that as the development grows then the community should be responsible for maintaining some of the parks through an HOA. Mr. Barnes said that there will be open space that is provided within each subdivision within the PUD that will be maintained by the HOA, but that there will also be some larger public town parks that are

initially developed by the developer, but are then given to the town for future maintenance and he would like to see each open space area listed with an itemized list of the amenities to be provided and ownership identified so that there is not confusion down the road with who has responsibility. Mr. MacCurry said that he plans to provide the initial clearing, grading, stormwater permitting, and parking for the publicly dedicated parks, but then they would be maintained by the town. Mr. MacCurry said that he would not be able to commit right now to providing the permitting and development of the public boat access due to the fact that it would probably need a CAMA permit and numerous other permits and that the town would have to help provide support for getting such a park successfully permitted. Mr. Barnes requested that the Indian Creek Master Plan label each park and then identify the amenities to be provided for each park within the PUD narrative. Mr. MacCurry said that he could place that in the narrative and that he would add language addressing the four public parks and the multi-use trail that would connect to the Phoenix Park, but that there would be separate language regarding the boat access area.

- Mr. Beatty mentioned that the development had also proposed to donate land for a fire station but that the specific site did not appear to be shown on the master plan. Mr. Barnes said that would be another item that he would like to see addressed in the narrative and that the narrative should clearly state what the Indian Creek PUD will be responsible for as far as the fire station is concerned. Mr. MacCurry said that they do intend to donate land to the town for building a fire station, but that at this time they did not know exactly where that would be placed and that it would depend somewhat on what the local fire department wanted and on what the NCDOT would allow. Mr. Tackett said that he could provide a description of the area where the fire station would be located but that he also thought that it would be premature to show the exact location on the master plan, because logistically we do not know at this time what would be best to serve the community and what access NCDOT would allow. Mr. MacCurry said that he was thinking about giving 0.5 acres for the station. Mr. Tackett said that they would specify where the fire station would go and he would state that in the narrative.
- In regards to Exhibit F-Additional Development Standards, Mr. Barnes said that he has asked the developers to change the usability for the multi-family open space to reflect the proposed text amendments to the town's zoning ordinance that would require 25% active open space. Mr. Barnes then went through how the project will meet the town's standards for parking, stormwater management, tree protection, and buffering. Mr. Barnes also discussed the size of plant materials that the development is proposing and the spacing of materials.
- Mr. Barnes said that he also has provided a list of recommendations at the end of the staff report that he would like to require the developers to adhere to. Mr. McMillan asked if the developers would be constructing the school site or if they would be only donating the land. Mr. Tackett said that they would only be dedicating the land and that the school would be developed based on the need of Brunswick County Schools and based on their ability to develop the property. Mr. Barnes said that it would also be good to include this information in the PUD narrative along with all of the other public amenities that would be provided. Mr. Barnes said that there is a representative from Brunswick County Schools on the town's Technical Review Committee that would be asked to provide comments during the review of each phase of the Indian Creek PUD narrative.

- Mr. Beatty asked if there is a section in the narrative that deals specifically with the town's Future Land Use percentages for Area 2. Mr. Barnes said that it is found on page 9 of the narrative. Mr. Barnes said that the table shows a 0% for the LI/HI land use designation. Mr. Tackett said that most of the commercial and industrial development will be outside of the Area 2 bubble, but that they are still being provided within the overall development. Mr. Tackett also pointed out that the General Business land use percentage is only at 4%, however that does not include some small scale office space, retail, and restaurants that would be allowed in some of the mixed use and higher density residential portions of the development. Mr. Barnes said for example there could be a corner coffee shop and internet cafes placed throughout certain areas of the development, but that we cannot give the development a land use designation as commercial for these areas. Mr. Barnes said that the developer did submit a letter from Jim Bradshaw, with the Brunswick Economic Development Commission, that stated he did not believe that the Indian Creek location was ideal for industrial development due to the other areas within Navassa that are better suited and due to the Leland Industrial Park and the new industrial park along the Brunswick County/Columbus County line. Mr. Beatty said that he would like to see a narrative justifying why the land use percentages proposed are best for the development, because the Town Council is going to want to see why the Future Land Use Map land use percentages differ. Mr. Tackett said that he could add a section right after the Land Use Map Policy Table. Mr. Beatty said that he would like to have the description state what is in Area 2 and what is our of Area 2 and the reasoning to support why the development is proposing what they are proposing and that the section should reference Jim Bradshaw's letter.
 - Mr. Beatty said that if the board has no further comments, then he is comfortable with entertaining a motion to conditionally approve the Indian Creek PUD based on the conditions that the board has identified tonight along with the staff recommendations. Mr. Barnes said that the conditional approval would enable the development team to correct the issues that he Planning Board has requested and to bring that information back to the board for review so that we would not have to discuss it in as much detail at the next Planning Board meeting as long as the requirements are met. **Ms. Graham makes a recommendation that the Indian Creek Development team bring back a revised PUD narrative and Master Plan with the proposed changes to the Planning Board for approval within the next two weeks, so that a recommendation can be made to the Town Council. Mr. Ballard seconded the motion and the motion passed unanimously.**
2. River Bend PUD Rezoning Application: Wilmington River Club LLC has submitted a formal application package to rezone Tax Parcel ID# 0240000102 and ID#0240000106 to the PUD district to pursue the River Bend Planned Unit Development. Mr. Beatty said that due to the late time left in the meeting the board would not have time to review the River Bend PUD until the next meeting, but that hopefully the River Bend team was able to see some of the concerns and questions that the board had so that they will also be able to benefit from tonight's meeting.

STAFF REPORT:

1. Development Summary: Two new zoning compliance permits were approved since the last board meeting: 1 for James Conway to place a 10'X12' minor accessory storage shed on his property located at 1418 Forest Hill Drive, and 1 for Benard McKoy Jr. to construct a 30'X45' major accessory garage on his property located at 9913 Old Mill Road.
2. Street Naming Request: Derwood Shaw of 2723 Cedar Hill Road has submitted an application to name a currently unnamed right-of-way off of Cedar Hill Road adjacent to Tax Parcel ID#

0170003602. The applicant is requesting that the right-of-way be named in order to improve emergency response and postal deliveries. The originally proposed name could not be used due to the fact that there is already a similarly named road within Brunswick County. Notification letters were sent out to adjacent property owners within 100 feet of the right-of-way proposed to be named asking them to provide comments regarding the street naming request. Staff has received two phone calls regarding the notification letters but have not received any objections at this time. If the Town Council approves the naming of the street, then new addresses will need to be assigned to some adjacent properties.

3. Minor Subdivision Case SUB-2011-001: Carneal Hooper of 9586 Old Mill Road has been approved to subdivide 0.903 acres off of parent parcel number 02900119.
4. Privilege License- The Town Council has requested that staff research the implementation of a privilege license system for the town. Staff will be working with the Town Clerk on this.
5. Update CAMA Land Use Plan- Staff has been working with Mark Ziegler, from NCDCA, on updating the CAMA Land Use Plan.
6. Multi-jurisdictional Hazard Mitigation Plan- FEMA has approved the Multi-Jurisdictional Hazard Mitigation Plan that Navassa is a part of along with the county and some neighboring municipalities. Marc Pages with Brunswick County Planning will be present at this month's Town Council meeting to help facilitate a public hearing regarding the adoption of the plan.

CHAIR'S REPORT:

1. The next Planning Board meeting will be **Wednesday, April 13, 2011 at 7:30 PM**.
2. Mr. Beatty said that in the board's packet there is an invitation for the board to go to the Cape Fear Council of Government's Annual Awards Banquet where Travis Barnes will receive the Planner of the Year Award. Mr. Beatty asked the board who wants to attend the event on Tuesday, March 29th at 6:30 PM, because the council has approved for the board members to attend. All of the Planning Board members said that they would attend the event.

MEMBER COMMENTS: None

PUBLIC COMMENT:

1. Mr. Dorsey Jones Jr. provided the board with an update on the Cape Fear Commutes 2035 Transportation Plan and his work on the Citizen Advisory Committee. Mr. Jones said that he encourages the board to consider the plan as they review future developments in the town.
2. Steve MacCurry and Michael Tackett thanked the board for working with them on the Indian Creek PUD and said that they looked forward to continuing to work with the board on this project.

ADJOURNMENT:

Ms. Graham made a motion to adjourn. Ms. Hutchinson seconded the motion and the meeting closed at 9:17 PM

Minutes prepared by Travis Barnes, Town Planner, on March 14, 2011.