



Town of Navassa
Planning Board Meeting Minutes
October 13, 2010
7:30 PM

IN ATTENDANCE:

Planning Board Members: Al Beatty, Diane Graham, Beverly Hutchinson, Walter Ballard, Robert McMillan

Planning Board Members Absent: None

Staff: Travis Barnes, Town Planner; and David Illgen, Planning & Sustainability Intern

Other Attendees: Adam Lisk

CALL TO ORDER: Chairman Beatty called meeting to order at 7:35 pm

APPROVAL OF MINUTES: Mr. Beatty requests to make a correction from last month's meeting minutes and he wanted to clarify that he stated, "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 recovery industries that are going to create jobs as long as they don't pollute Navassa in the process." Mr. Barnes said that he would make the correction. Motion to accept minutes with the correction made by Mr. Beatty and Ms. Graham seconded the motion and it passed unanimously.

OLD BUSINESS: *Note: *The voice recorder was not present during this meeting.*

1. **Planning Board Election Results:** Mr. Beatty announced the Planning Board Election Results: Al Beatty elected Chairman, Diane Graham elected Vice Chairman, and Beverly Hutchinson elected Secretary.
2. **Zoning Ordinance & Subdivision Ordinance Text Amendments:** Mr. Beatty stated that the Planning Board agenda packet contains the text amendments that the board has yet to review and then he asked staff to begin presenting the text amendments as listed in the packet.
 - VI. Subdivision Ordinance text amendment to address typo and Navassa Open Space Improvement fund on page 43. Mr. Barnes stated that at the last meeting the board had asked for the language in the proposed text amendment to be changed to allow the Zoning Administrator to determine where the open space pay in lieu funding could be spent within the town. Mr. Barnes said that he researched the NC Statutes and that the language in the statutes states that the payment in lieu funds must be spent "in the immediate service area." The board requested that staff change the language to match that of the state statute.
 - VII. Article 6- Planned Unit Developments. Mr. Barnes explained his recommendations and discussed how the development review process works for a PUD, referring to the flow chart hand out. The committee discussed that the site specific development process should be more streamlined and that they felt that the Planning Board should have the authority to review site specific development plans once the overall PUD is approved by the Town Council. The reasoning for this delegation of authority to the Planning Board is the same as considering a development proposal where the intended land use is "permitted by right" within a specific zoning district. This same reasoning should apply for a site specific development plan when the developer is constructing a phase of development where every building and land use proposed is permitted according to the Town Council approved PUD District narrative and accompanying concept plan.
 - In regards to the text amendment to Section 6.6 (2) which addresses the 95% development standards, Mr. Barnes said that he would recommend deleting this item because he does not see any benefit that it provides to the town. Mr. Barnes stated that if the Town Council decided to rezone a PUD after it is 95% built-out then it would be difficult to revert the development back to any of the town's other general use zoning districts due to the different development standards and land uses permitted in PUDs. Mr. Barnes said that he felt like rezoning portions of a PUD to general use zoning districts would create numerous non-conforming land uses and structures that could be problematic, while performing the rezoning would not provide any benefit to the town that he can think of. Mr. Beatty requested staff to research how this

issue would potentially be affected by performance guarantees.

- In regards to the amendments to Section 6.7 (2) (A) and 6.7 (4) (C) which discusses existing conditions and conceptual designs, the board agreed to the proposed text amendments.
- In regards to the amendments to Section 6.7 (4) (D) concerning a Traffic Impact Analysis for PUD's, Mr. Barnes suggested that a TIA should be required before development is allowed to begin, but that it does not necessarily need to be required prior to rezoning the land to a PUD. Mr. Barnes reviewed how the City of Wilmington, NCDOT, and New Hanover County administer TIAs but also pointed out that Wilmington is much more urbanized and developed than Navassa. Mr. Barnes said that if the town decides to require a TIA before a PUD rezoning application is considered complete, then it would require the developers to pay for the TIA, which can be a substantial cost, before they ever have approval for the rezoning. Another option would be to allow the rezoning to be considered and if it is approved then the developer would have to perform a TIA for the whole PUD before they could start construction on the first phase of the development. Mr. Beatty suggested that the TIA improvements be phased in as the development progresses through its own phases of development. Mr. McMillan said he thinks it would be fair to allow the rezoning to be considered prior to requiring the TIA. The board approved the new text. The adjacent property owner notification text in 6.7 (4) (E) was also accepted by the board.
- In regards to amendments to Section 6.7 (5), the text should be changed to 45 days as opposed to 25 days. Mr. Barnes said that this change is needed in order to make the review time consistent with any other rezoning request to the town's Zoning Map.
- In regards to amendments to Section 6.7 (6) f., Mr. Beatty suggested that the language should include a more general timeline but that it should be reasonable when conditions are met. Mr. Barnes said that he would look at providing additional language in this section to clarify the review timeline and that he will present the revised language at next month's meeting.
- The board agreed that the text amendments to Section 6.7 (9) (A) that were requested at the September meeting were fine.
- Mr. Barnes suggested getting rid of Section 6.7 (9) (B) altogether because he feels that the town would not receive any benefit from rezoning the undeveloped portion of a PUD after 10 years, because it will not force the developer to continue to build-out the PUD any faster, nor will it ensure that whatever gets built on the rezoned property would be any better than what was originally approved within the PUD. Mr. Barnes said the whole point of the PUD is to approve the best use of the land to get a development that is optimal for the town and the developer and that changing the zoning of the undeveloped phases of the PUD in mid-development does not help anyone. Mr. Beatty said he agreed that there might not be much benefit to rezoning undeveloped portions of the PUD to basic zoning districts in the event that the developer has not pursued final development plans for those portions of the PUD, however he felt that if the development is not being constructed as scheduled then the town should be made aware of what is going on and the reasons for the delay. Mr. Beatty said developers should work with the planning board to get updates on the project status every six months. Mr. McMillan thought every three months would be better. Ms. Hutchinson and Ms. Graham discussed that three months is not that much time and that in a lot of situations little will have changed in a three month period. Mr. McMillan agreed and the board decided to require six month updates.
- Mr. Barnes stated that the proposed text amendments to Section 6.7 (10) (A) are designed to enable text amendments to the PUD narrative after it is approved. In this way the PUD narrative becomes sort of like an overlay zoning text in addition to the Zoning Ordinance and by allowing the PUD narrative to be amended it will provide for greater flexibility over the course of time without having to go back and review the whole PUD altogether. Mr. Barnes said that any text amendment to the PUD would still have to be reviewed by the Planning Board and approved by the Town Council after an advertised public hearing is held. The board approved the suggestion.

- The board suggested that the review strategy described in Section 6.7 (10) (B) (1) should be similar to that in 6.7 (10) (A). Mr. Barnes said that if the board agrees that they should be similar than Section 6.7(10)(B)(1) can be deleted because it will be covered by Section 6.7(10)(A) and the board agreed.
- In regards to Section 6.7 (10) (B)(2), Mr. Barnes said that the town definitely should require a resubmittal of the PUD if the developer is asking for more density than what was originally approved. Mr. Barnes suggests clarifying what is meant by an increase in residential density.
- In regards to Section 6.7 (10) (B) (3): Mr. Barnes said the 10% rule regarding the change in proportion of housing types should be more specific because it does not state how the 10% would be calculated. Is it a change in the size of the homes? Is it a change from single-family to multifamily homes? Mr. Barnes said that the real issue normally arises when the housing types are going from a less intense land use to a more intense land use. For example if the developer wanted to change single-family homes to apartments, then that may be a concern. The board discussed including an intensification clause that could state something like, “any intensification of the approved type of housing”.
- In regards to Section 6.7 (10) (B) (5): Mr. Barnes said that he did not think the 1% open space reduction requirement should apply to PUDs that are already giving more open space than required by the ordinance. The town should not be penalizing a developer that is still providing more open space than what the ordinance requires. The board agreed with this text amendment.
- In regards to Section 6.7 (10) (B) (6): Mr. Barnes said that an amendment is needed because active open space should be favored or encouraged when compared to that of passive open space. Mr. Beatty suggested 5% decrease in the amount of active open space compared to passive open space and the board agreed.
- In regards to Section 6.7 (10) (B) (7): Mr. Barnes said the text here should be removed because the ratio of off-street parking spaces to use will not be displayed on the concept plan. The board agreed.
- In regards to Section 6.7 (10) (B) (8): Mr. Barnes said some of the items listed should be deleted because they would not be shown on a concept plan. The board agreed with the suggested amendments.
- In regards to Section 6.7 (10) (B) (9): Mr. Barnes said this should be removed because the covenants and restrictions in the owner’s association agreements will not be displayed on the concept plan map.
- In regards to Section 6.8 (1) (A): Mr. Barnes said that after the Town Council approves the PUD District rezoning then the site specific development plan or subdivision plat shall be approved by the Planning Board and not the Town Council. Mr. Barnes said that most other towns allow the Planning Board to review preliminary and final plats and that Navassa should do the same, especially seeing that the Town Council would have already approved the whole PUD. In these situations the buildings and land uses displayed on the preliminary plats would be similar to a use “permitted by right” and therefore should not have to go through a drawn out development review process. The planning board agreed, but Mr. Beatty wants to make sure the council is aware of this relinquishment of their power regarding having the final approval of preliminary and final plats and that the board and staff need to work with the council to educate them on these issues.

At this point in the meeting, noticing the time, Mr. Beatty wishes to finish the meeting touching on major issues in the PUD Article and instructed the rest of the committee to continue to review the text amendments and come up with specific questions/concerns for the next meeting. For the remainder of these notes, the specific text amendment citations will be addressed by the page number of the meeting packet provided at the meeting.

- On Pg. 6-17 (3) (B): Mr. Beatty asked staff to research whether or not language needs to be added regarding performance guarantees.
- On Pg. 6-19 (7): Mr. Beatty requests that staff specify what type of enforcement action would be

appropriate.

- On Pg. 6-20 (2)(C): Mr. Beatty requests that staff research whether or not the review of a preliminary development plan in an approved PUD will need to be conducted as a quasi-judicial process.
- On Pg. 6-21 (4): Mr. Beatty asked staff to research if appeals of planning board decisions should be reviewed by the town's board of adjustment in a quasi-judicial hearing as opposed to being reviewed by the Town Council.
- On Pg. 6-24 (9): Mr. Beatty asked staff if we should include a requirement that shows how the development is achieving the policy goals of the Future Land Use Map.
- On Pg. 6-27 (8): Mr. Beatty requested that staff research whether or not language regarding performance guarantees needs to be added to this section.
- On Pg. 6-29 (2): Mr. Beatty asked staff to change that the Town Council or their designee would be the one to release the performance bond and not the Mayor.
- On Pg. 6-31 (5): Mr. Barnes said the open space standards should be consistent throughout the zoning ordinance; The board agreed that the active open space percentage required in the Subdivision Ordinance is too high and that it should be changed from 50% to 25%.
- On Pg. 6-32 (6): Mr. Beatty asked staff to contact some of the relevant TRC members to see whether we need to include more information regarding street standards, etc.
- On Pg. 6-33 (7) (A): Mr. Beatty asked staff to review the buffer standards to make sure we are being consistent.

VIII: Mr. Barnes said that there has been an informal request for the town to look at how it regulates trash transfer facilities seeing that the Planning Board is already pursuing text amendments. Specifically staff has looked at how trash transfer facilities are permitted and in which zoning districts. Mr. Illgen explained that currently the State is proposing new language that would prohibit trash transfer facilities in areas where new landfills are also prohibited unless the local government allows it. Mr. Illgen explained that such a facility is similar to a municipal solid waste landfill and should be regulated as such. Ms. Hutchinson asked if an application to develop a trash transfer facility has been submitted to the town. Mr. Barnes stated that no application to develop a trash transfer facility or for a text amendment has been submitted but property owners in Navassa have asked Mr. Barnes how the Zoning Ordinance regulates such facilities. Mr. Beatty said that he felt like the town needs to have more research on the differences between recycling facilities, resource recovery, and trash transfer facilities are regulated and their respective pros and cons before a decision can be considered by the Planning Board. Mr. Beatty instructed Mr. Illgen to create a report for the board listing the pro's and con's of having a trash transfer/resource recovery/recycling center as far as it's impact on the community.

NEW BUSINESS: None

Staff Report

1. ***Development summary:*** There were 4 zoning compliance applications approved since the last board meeting: 1 for Saltmarsh Ventures LLC to construct a new single-family home at 919 Edna Fields Drive; 1 for Ivey Hollis to construct a covered roof over an existing porch at 303 Main Street; 1 for Frank Roberts to construct a new single-family home at 904 Edna Fields Drive; and 1 for Larry Kishpaugh to place 5 mobile homes on lots at the Old Mill Mobile Home Park at 9765 Old Mill Road.

Chair's Report:

The next meeting is set for Wednesday, November 10th 2010 at 7:30p.m.

Member Comments

The board was in agreement that more research needs to be done on trash transfer facilities and they asked staff to provide a staff report outlining their concerns and the pros and cons of such facilities.

Public Comment: None

Adjournment

Mr. Beatty motioned for adjournment, seconded by Ms. Graham. The meeting was adjourned at 9:15 pm.

Minutes prepared by David Illgen, Planning and Sustainability Intern, and Travis Barnes, Town Planner on October 20, 2010.