

Investigate-Research-Develop-Recommend
(North Carolina General Statute 160A-387)

Sunset Beach Planning Board-Town of Sunset Beach
Minutes From June 3, 2010

Members Present

Bill McDonald-Chairman
Gene Allen
Leon August
Eddie Walters
Carol Santavicca

Members Absent

Sybil Kesterson
Al Seibert

Staff

Jeff Curtis
Cindy Nelson

Others Present

Councilwoman:
Carol Scott

1. **Call to Order**-9:00 am
2. **Roll Call**-Quorum Present
3. **Agenda Comments**
4. **Approval of Minutes**-Minutes from the May 6, 2010 Session. Two changes needed to be made to the minutes. **Leon moved to approve the minutes with changes. Second made by Eddie. Motion carried unanimously.**
5. **Building and Zoning Administrator Report**-None
6. **Public Hearing Topics**-None
7. **Old Business**
 - a. Revised Definition of Open Space

Jeff explained the definition of “net area” has been added, and the definition of “open space” has been approved by Mike Isenberg. Some of the recommended changes were made by Dale Holland. No further discussion was made.
 - b. Reference to Required Open Space in Section 150.110 (2) (C) Required Improvements and Minimum Standards of Design for Subdivisions
 - c. Revised Text for Open Space Requirements
(Agenda items b and c were discussed together.)

Jeff outlined some of the changes in the text made from Dale Holland’s report. Holland commented that 18% of required open space may be too aggressive, although each community is different, most communities do allow more uses to count toward the open space than what is being proposed. Jeff added his opinion in that 12.5% would be a more fair percentage for open space, or even 15% of open space would be reasonable.

Jeff continued to recommend other changes that would take open space from the net area which would exclude roads and right of way areas. Also, Jeff asked the Board to consider allowing recreation

facilities to count as open space, such as; community centers, tennis courts, or swimming pools, as well as clubhouses.

Other changes Jeff suggested were to consider Holland's recommendation under M 2 (b), this would have a stipulation that a smaller area could be allowed given the size of the property and its features. This will provide some flexibility to a developer.

Jeff continued to provide highlights from Holland's report that recommended:

1. Section iii (d), do not including public trust waters in the calculations.
2. Section iii (h); do not include golf courses; remove "playable portion",
3. Section iii (j) community gardens can be included but not to confuse them with what is not allowed as an agricultural use.
4. Section iv (d); consider allowing underground easements that could put the above ground area to better use.

Jeff presented a chart that was included in the agenda packet. The chart is based on a percentage of the total acres to be developed after deducting right of ways and open space considerations. Some discussion ensued.

Eddie led conversation to the possibility of underground stormwater/retention ponds; and questioned if that would be considered an underground utility, and, could it be included in the underground utilities. Jeff noted that, underground utility easements could be listed as a permitted item. The Board agreed this was a good idea. Carol clarified that this does not include easements on individual lots.

Leon said there has not been a final say whether to use 12.5 %, 15% or 18 % for the open space requirement.

Discussion among the members ensued as follows:

Eddie, Carol, and Leon all agreed that 15% seemed reasonable enough. Bill would accept 12.5 % percent, but, would rather see 15%.

Jeff recommended 12.5%, and Gene agreed as 12.5% would fit most situations.

Leon: 12.5 % was the original intent, until some of the exclusions became more specialized.

Eddie: how many lots per acre do we typically see in a subdivision?

Jeff referred to the chart included in the agenda packet and added that the minimum lot size might be difficult to meet due to odd shaped lots.

Conversation continued on the difference between the 12.5% or 15% open space calculations according to the chart, as well as how many buildable lots there would be and the amount of open space given a 100 acres subdivision. Eddie did some figuring and based on a net area of a 100 acre subdivision with 15% road construction and the 15% open space requirement being met, there would be approximately 200 to 400 lots. There is not much difference between 12.5% or 15%.

Jeff: the characteristics of the land would also have to be considered, and we are also excluding roads and sidewalks. It would be considered open space.

Eddie: I suggest we leave it at 15%, have a public hearing, get input and make adjustments as needed.

Carol: the purpose is preservation.

Jeff: if there are 20 acres of wetlands, that would have to be excluded.

Conversation ensued on wetlands and how to give the developer credit for wetland areas.

The final determination was to give credit for the wetlands, but, more importantly, give credit for access to the wetland area. It should be accessible and be able to be utilized by the public.

Eddie: we have to be careful to not have a one acre tract up against the wetlands and have it be called a park if the wetlands would not be accessible.

Carol made the point that 100% of open space could be spent on wetlands and may exclude any other open space.

Gene encouraged 12.5 % open space requirement. Again, Jeff agreed.

Carol and Bill responded by saying that if open space requirements are reduced to 12.5%, and credit is given for wetlands, nothing is being preserved.

After more discussion, the overall consensus was to allow 15% for open space.

Leon did some additional figuring and compared a 600 acre tract of land to how many homes could be built using the 12.5% to the 15% open space, and there would be a difference of approximately fifty three homes that would not be able to be built.

8. New Business

a. Request from Town Council to review the Commercial and Residential Lighting Ordinance

Jeff commented that Section 151.214 regulates the commercial areas and seems to be restrictive and effective.

Jeff asked the Board for suggestions on what they wanted to see done. He further explained that enforcement would be difficult after a building is issued a Certificate of Occupancy. We cannot go onto a property without the owners' permission.

Carol Scott asked to interject. Carol explained that she had made the request for the Planning Board to take a look at the lighting ordinance. There are concerns about what the lights at the boat ramp might look like, homeowners are allowed to have light poles erected without their neighbors having any say,

and, also, flood lights shining out onto the dunes which affects the turtle program and causes light pollution.

Eddie said he would like to see the Town establish a residential and commercial lighting plan. Enforcement could be difficult, but, educating the public is important and most people who come here seem to be somewhat environmentally conscious.

Carol Santavicca recommended looking at other coastal towns and what lighting plans they may have in place. They are unique as we are in the coastal environment also, and coastal areas have different lighting needs. Carol Further recommended hiring a consultant to come in and assess what may need to be done.

The Board discussed in depth how offensive flood lights were and how the lights infringed on other properties. Highlights of the conversation are as follows:

Leon asked who pays the electric bill for the street lights. Jeff answered the Town pays them. Carol said BEMC had more residential friendly lighting available; there are different types of lighting fixtures with different price points. Eddie said the Board can come up with an ordinance, present it to Council and let the Council approve any expenditure's.

On another subject; Eddie requested a joint meeting between the Town Council and the Planning Board, and wanted to make a motion for this request.

Motion made by Eddie. Second made by Leon. Motion carried unanimously.

9. Visitor Comments

Ed Gore: asked the Board to revisit the credits given for open space for walking and biking trails. He stated that in his experience, residents want walking and biking paths first and foremost, followed by golf courses, then, clubhouses.

Dan Weeks, Land Planner for Ocean Ridge: informed the Board that Bald Head Island had a good lighting plan and he could provide access to the information if the Board so choose. Dan added that education is key and most people want to do the right thing.

Dan proceeded to pose argument toward the proposed open space text amendment. Dialogue ensued between the Board and Dan Weeks.

Elaine Jerdan, General Council for Coastal Communities: wanted to make 5 points for the Board to consider from this meeting:

1. Acquisition Factor: when a potential buyer looks at a property they can take ordinances into account. The problem here is the developer, who has major concerns about this proposal, is a developer with an existing planned community that has already been purchased; this will have a major impact, because the price of land already purchased cannot be reduced.

2. Golf Course: every homeowner of a golf community cannot have absolute access to the golf course if you include a golf course in open space. Example: a family cannot have a picnic on the golf course. The Town cannot dictate how a golf course is run.

3. Wetlands: bonus for the wetlands is encouraging.

4. Encouraging passive recreation areas in a Right of Ways; such as bike and pedestrian paths is good. Under your current proposal, it is the opposite.

5. Percentage of open space: More people need more open space. Consider requiring a higher percentage for developments that have a higher density, and a lower percentage for developments with lower density.

Conversation between Carol Scott and Elaine Jerden ensued. Carol and the Board invited Elaine to write up suitable language addressing open space regulations for golf courses.

10. Adjournment-Eddie moved to adjourn the meeting. Second made by Leon. Motion carried unanimously. Meeting Adjourned at 11:30 am.

Bill McDonald-Chairman

Cindy Nelson-Secretary