

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

Sunset Beach Planning Board-Town of Sunset Beach
Minutes From March 4, 2010

Members Present

Bill McDonald-Chairman
Al Seibert
Leon August
Gene Allen
Sybil Kesterson
Eddie Walters

Members Absent

None

Staff

Jeff Curtis
Cindy Nelson

Others Present

Councilwoman:
Carol Scott
Town Attorney:
Mike Isenberg

1. **Call to Order**-9:00 am

2. **Roll Call**-Quorum Present

3. **Agenda Comments**- None

4. **Approval of Minutes**-from the February 18, 2010 session: Minutes were approved with minor corrections. **Leon moved to approve the minutes with changes. Seconded by Gene. Motion carried unanimously.**

5. **Building and Zoning Administrator Report**- None

6. **Public Hearing Topics**

Bill informed all present that this Public Hearing was a continuation from the February 18, 2010 meeting.

Jeff recapped the situation. He stated on January 11, 2010, the Council indefinitely deferred the decision to rezone all the golf course areas to the proposed Open Space 1 zoning district, pending meetings with golf course owners. Through those meetings staff decided to consider a text amendment to all mainland residential districts as being a more appropriate way to proceed to allow open space area. This text amendment applies to all residential zoning districts, not just the golf course developments. Jeff further reminded the Board that officially the rezoning request has not been rejected or approved; it has just been deferred indefinitely.

6a. Amendment to Section 151.003. Add Definition of Open Space/Recreation Area.

The Chairman invited Public Comment.

No comments made by the public. Public Hearing closed. The Board was open for discussion.

Gene said he had no problem with the definition.

Jeff interjected that he would like to discuss Item 6b in case there were any changes that would affect the definition. Jeff suggested that the Board wait to take action until the discussion for Item 6b was concluded.

That being said the Chairman closed the Public Hearing for item 6a, and reopened the Public Hearing for Item 6b.

- 6b. Amendments to 151.148 Dimensional Requirements
- Amendments to 151.178 Dimensional Requirements
- Amendments to 151.193 Dimensional Requirements
- Adding Density Requirements for Single Family Developments in the MR-1, MR-2A, and MR-3 Zoning Districts.

Tim Tillman, General Manager for Sandpiper Bay asked if there would be final recommendation today. He said the owners of the golf course would like to know what is going on before there is a vote.

Bill answered that there will probably be a vote today, the proposal will be rewritten and discussed at the next worksession, and then formal action will be at the April 1, 2010 meeting. That action will then go to the next Council meeting.

Mike the Town Attorney agreed, adding that a consensus rather than a vote would be more appropriate for today's meeting.

Bill asked Mike if the Public Hearing can be closed. Mike said this proposal needs to be addressed then closed with more consideration at the next worksession.

Public Hearing closed for Item 6b. Board discussion ensued as follows:

Eddie began the discussion. He asked the Board to remember the two years the Board worked on the Land Use Plan (L.U.P.), with professional consulting staff as well as all the public input, legal council, surveys, and Town Council input. A final version was approved by the Council; and this is what has been submitted to the state. Eddie referenced the Land Use Plan survey that was sent out to the public. He quoted from the Land Use Plan survey:

One of questions in the survey was "In your opinion; what is the most important issue facing the Town of Sunset Beach and why?"

49% of the citizens supported density/height issues and growth management.

He quoted other responses in the survey that addressed density. Most of the response was in favor of not increasing density and to protect open space.

Eddie read from page 9 of the Land Use Plan, which was the Vision Statement.

He quoted from page 113, 124, 126, 127, and 128, which discuss the intentions that have led to this proposed Text Amendment.

Eddie ended his comments by saying that its four years later and the Planning Board is still trying to carry out the intentions listed in the L.U.P. Eddie reminded everyone that is why they are here today.

Consensus from the Board was to discuss each item changed from Section (M) line by line, comparing the original proposal to Eddie Walters comments from the last meeting.

Addressed line items have been highlighted in red so as not to be confused with the meeting agenda items.

1. The thought for wanting to change the language from "...with more than ten (10) lots and/or dwelling units..." to "...with ten (10) or fewer lots..."; there is potential for a developer to build in 10 lot phases and not have to put in any infrastructure such as roads, utilities, etc. Mike agreed that addressing this would be a good idea.

2. The Board agreed that 12.5% total open space for single family developments was too little and wanted to see a higher percentage.

It was suggested that a PRD or PUD would allow more room for change. As it is now, a developer would have to follow the strict letter of the ordinance.

Conversation started on what percentage of open space to require. Some suggestions were 20% to 25% and other suggestions were 15% to 18%.

Mike said State Statute allows open space; however, it cannot be so restrictive that it is a burden. He suggested that one out of every eight lots could be a good start, where 20% would be reaching limits for single family developments.

Leon could not see less than 15% to start or; one in seven lots.

Gene agreed. Leon continued by saying "once open space is gone, you cannot get it back."

Discussion ensued on the best way to determine the percentage of required open space.

Mike restated you are within the law to dedicate open space within reason. The more specific the language, the better. A developer should be able to read and interpret the ordinance with little question.

Eddie added if we recommend 15%, the water bodies should not be counted. If we recommend 20%, then a portion of the water bodies could be counted.

3. i.: Mike suggested including in the language "open space shall be identified on plats..." to say "open space shall be identified and dedicated..." per state statute.

3. ii. (a) Change minimum horizontal dimension to 50 feet instead of 15 feet.

(b) Change individual open space to a minimum of 5000 square feet instead of 2000 square feet.

3. iii (d) Add that retention ponds should not be included in the open space.

(f) Amenities/facilities should not be included in the open space.

(h) Identify and make clear this is for the playable area of the golf course only and does not include golf course areas such as parking lots, restaurants, etc. also; do not include any impervious surfaces.

"Playable area", should be better defined.

4. i. Usable Recreation Area Standards-it was decided to delete this section as a developer would most likely under normal market conditions, want to put in certain open space and amenities. Requirements could be met with amenities and not utilize natural open space. Mike suggested to let the Council decide to keep or delete this section or parts thereof.

4. iii. Usable recreation area in this section could also be kept or deleted or items of question could be brought before the Board of Adjustment.

Discussion went back to #3A to determine the width of walking and biking trails. Jeff will look into it and bring the information back at the worksession.

D. 1. Decision was to delete recreation and add; open space shall be recorded and dedicated on the plat.

Discussion went back to item #2 on the total amount of open space and what percentage should be required. Al mentioned that we should determine how the amount is to be distributed so that it is not all in one lump area. Mike said there are restrictions such as lot sizes in place that will help prohibit that. Mike added that all lot owners should have access to the open space, that sentence will be added to section 3.ii. (c).

Eddie asked if wetlands were considered in the calculation. Jeff said wetlands should be excluded and put under 4 (f).

After some more discussion the board's consensus was to have 17% to 18% of the total subdivision to be open space. This will be discussed further at the worksession.

Mike steered the Board back to item #3 and questioned whether bike paths should be considered impervious. In other words a smaller subdivision may only have impervious surface that is a bike and walking paths. He suggested all paths not be impervious except all walking and bike paths. Also, sidewalks within the public rights of way should not be included.

Discussion concluded with the intent that these changes will be incorporated in the proposal and be brought back to the March 18, 2010 worksession for further considerations.

7. Old Business-None

8. New business-None

9. Visitor Comments

10. Adjournment-Bill entertained a motion to adjourn. Moved by Gene. Seconded by Leon. Motion carried unanimously. Meeting adjourned at 10:40 am.

Bill McDonald-Chairman

Cindy Nelson-Secretary