

Board's consideration to proclaim February 2009 as "*Healthy Heart Month*" in New Hanover County, read the proclamation into the record and moved for adoption.

Motion: Commissioner Caster MOVED, SECONDED by Vice-Chairman Thompson, to adopt the proclamation declaring February 2009 as "*Healthy Heart Month*" in New Hanover County. Upon vote, the MOTION CARRIED UNANIMOUSLY.

New Hanover County Community Action, Inc. Executive Director Cynthia Brown and Program Specialist Caroline Nunley were present to accept the proclamation and thank the Board.

A copy of the proclamation is hereby incorporated as a part of the minutes and is contained in Exhibit Book XXXII, Page 3.7.

ADOPTION OF RESOLUTION AUTHORIZING PARTICIPATION IN THE NEIGHBORHOOD STABILIZATION PROGRAM GRANT APPLICATION PROCESS

Commissioner Greer read the resolution into the record authorizing the participation in the Neighborhood Stabilization Program grant application process with the City of Wilmington.

Community Development Planner Wanda Coston reported that New Hanover County has an opportunity to participate with the City of Wilmington in the Neighborhood Stabilization Program which works with foreclosed properties to provide housing for residents that are at, or below, 120% of the area median income and with at least 30% of the funds benefiting residents at or below 50% of the area median income. The area median income for Wilmington is \$56,600.

In November 2008, the City of Wilmington submitted a Notice of Intent to the Department of Housing and Urban Development, Community Development Block Grant Program, and Neighborhood Stabilization Program that included a statement of the possibility of partnering with New Hanover County to pursue funds. The allocation to North Carolina will be in the amount of \$52,303,004. No County match is required for this grant.

The Board is requested to adopt the resolution authorizing the participation in the Neighborhood Stabilization Program grant application process with the City of Wilmington.

Motion: Commissioner Greer MOVED, SECONDED by Commissioner Barfield, to adopt the resolution authorizing the participation in the Neighborhood Stabilization Program grant application process with the City of Wilmington. Upon vote, the MOTION CARRIED UNANIMOUSLY.

A copy of the resolution is hereby incorporated as a part of the minutes and is contained in Exhibit Book XXXII, Page 3.8.

PUBLIC HEARING AND APPROVAL OF SPECIAL USE PERMIT REQUEST BY SOUTH COLLEGE ASSOCIATES FOR A HIGH DENSITY RESIDENTIAL DEVELOPMENT WITH 218 UNITS ON APPROXIMATELY 35 ACRES IN AN R-15 RESIDENTIAL ZONING DISTRICT IN JOHNSON FARMS OFF SOUTH COLLEGE ROAD NEAR STILL MEADOW DRIVE (S-587, 1/09)

Chairman Davis opened the Public Hearing and announced that the special use process requires a quasi-judicial hearing; therefore, the Clerk to the Board must swear in any person wishing to testify. He requested all persons who signed in to speak or who want to present testimony to step forward to be sworn in.

The following persons were sworn in:

Jane Daughtride
Chris O'Keefe
Cindee Wolf
Thomas H. Johnson, Jr.
Jackie Baker
Clyde E. Faircloth, Jr.
Ed Richter

Senior Planner Jane Daughtride reported that South College Associates have submitted a request for a special use permit for high density residential development with 218 units on approximately 35 acres in an R-15 Residential District in Johnson Farms off South College Road near Still Meadow Drive and presented a slide overview of the property.

Director O'Keefe read the findings of facts into the record stating that staff has concerns that the requirement to start construction within 24 months may not be viable, given the timing of utility improvements and the uncertainty of sewer capacity. The Planning Board, at its January 8, 2009 meeting, voted 5-0 to recommend approval of this request with no one from the public speaking.

The Technical Review Committee has reviewed the proposed project and has recommended the following conditions to which the Petitioner has agreed:

- No gates or obstructions will be allowed within the project. A fire hydrant plan acceptable to County

- Fire Services will be required prior to Final Plat approval.
- The collector road known as Still Meadow Drive leading from South College Road to the project will be designed, platted, and recorded as a dedicated public right-of-way.
 - Traffic Impact Analysis requirements embraced by NCDOT and the Wilmington Metropolitan Planning Organization for off-site road improvements on South College Road will be required through an approved NCDOT Driveway Permit.
 - Once the Special Use Permit is approved, the Technical Review Committee wishes to review the project again.
 - Low Impact Development techniques are recommended for the project.
 - According to the Cape Fear Public Utility Authority, sewer capacity will not be available until spring 2010.
 - The parking lot areas will need to be named (unduplicated) for addressing purposes.
 - Gate Post Lane will need to be properly aligned per NCDOT comments.

In response to Board questions, Planning Director O'Keefe stated that staff is satisfied that the required traffic improvements will address the traffic concerns. This project provides opportunities for interconnectivity and existing stub-outs will be developed.

Chairman Davis asked if anyone from the public wished to speak in favor of the request.

Thomas H. Johnson, Jr., attorney for the Petitioner, confirmed that they agree with the findings of facts and the Technical Review Committee recommendations as presented. Mr. Johnson presented an overview of the proposed project. In response to Board questions, Mr. Johnson stated that they understand that the requirement to start construction within 24 months may not be viable given sewer capacity issues.

Cindee Wolf, with Withers and Ravenel, on behalf of the Petitioner presented an overview of the project stating that they believe that the development as proposed and with the acknowledged conditions combine to satisfy the required findings for approval of the Special Use Permit. The site is an expansion of existing high-density projects with access to both South College Road and Carolina Beach Road by way of public collector streets. The project consists of Still Meadow Village Phase 3 and Fortune Place Subdivision. Still Meadow Village currently is an apartment complex with 280 units and the proposed plan, Phase 3, would add 144 more units with access from three driveways onto Trump Vine Way. Fortune Place Subdivision is planned as a single-family lot development with 74 home sites. The off-street parking exceeds the ordinance requirements and road improvements will provide interconnectivity that currently does not exist and will offer alternative traffic patterns. The existing Still Meadow Drive will be dedicated for public access. Both of the residential components of the project will be a benefit to the community. Design plans and permitting can be submitted for sewer extensions to get in queue for approval to coincide with the release of sewer capacity.

In response to Board questions concerning Low Impact Development techniques recommended by the Technical Review Committee, Ms. Wolf stated that multiple retention ponds are planned. An acceptable condition would be to use a porous material in the multiple family parking areas. The single family development will be limited by the storm water permit process. By the time the project transpires it may be within Wilmington city limits. One of the techniques that can be reviewed is the use of depressed planting islands that are bio-retentionary so the water is filtered as it goes to the pond for storm water management. Normally at this point in the rezoning process, high density plans are not detailed to this extent, until after the completion of the County process.

In response to Board questions, Ms. Wolf stated that following the January Planning Board meeting she met with interested neighbors and assured them that single-family units will be placed next to their single-family homes. She stated her willingness to meet with interested parties to address their concerns.

In response to Board questions, Mr. Johnson stated that the Technical Review Committee has requested to review the project again once the Special Use Permit is approved and they have agreed to that condition.

Chairman Davis asked if anyone from the public wished to speak in opposition to the request.

Jackie Baker, resident on Gate Post Lane, stated her concern of the additional traffic and who will have the responsibility of maintaining portions of the roads. She requested to meet with the Petitioner for clarification of the project.

Clyde E. Faircloth, Jr., resident on Gate Post Lane, stated his concern on who would have the responsibility for road maintenance and the timeframe for NCDOT to adopt private roads. He also spoke on storm water runoff issues that are negatively affecting the retention pond in their neighborhood.

Ed Richter, resident on Trumpet Vine Way, stated his concern on the possible increase in traffic volumes on Trumpet Vine Way. He requested that Trumpet Vine Way road stub not be connected until the proposed homes are being constructed.

Chairman Davis asked for rebuttal comments.

In response to citizen concerns, Mr. Johnson stated that according to County records all the roads are dedicated for public use except for Still Meadow Drive which will be dedicated as part of the proposed project. As

per the Wilmington Metropolitan Planning Organization and NCDOT recommendations, they will be required to collaborate with the developer of the River Lights project to install a traffic signal at Carolina Beach Road and Silver Lake Road/Shade Tree Lane. During development of the proposed project the storm water runoff issue will be addressed with the installation of additional retention ponds. Traffic issues will be addressed with interconnectivity and road improvements.

In rebuttal comments, Ms. Baker stated her concern about the timeframe of the proposed traffic light and the wear and tear on the roads with heavy construction equipment.

In response to concerns by Ms. Baker, Mr. Johnson stated that the road will have to be brought to NCDOT standards before it can be dedicated for public use.

In response to Board questions, Planning Director O'Keefe reported that NCDOT has approved the design for the signalized light. He also clarified that staff was unable to contact the management company for the Homeowners Association at the address listed, so extra effort was made to contact individual homeowners by mail and several signs were erected around the area noting the rezoning request.

In response to Board questions, Mr. Johnson stated that the proposed project is consistent with the long-term master plan for Johnson Farms. The proposed single family homes will be adjacent to current single family homes and the proposed multi-family homes will be adjacent to current multi-family homes.

In response to Board questions, Ms. Wolf stated that the proposed multi-family project is included in the original Johnson Farms master plan and presented an overview of that plan. The proposed project is developed around the current wetlands and is a better solution from the original master plan according to current standards.

There being no further comments, Chairman Davis closed the Public Hearing and requested direction from the Board.

With the understanding that the Technical Review Committee will be reviewing the project once the Special Use Permit has been obtained, especially concerning Low Impact Development techniques, Vice-Chairman Thompson moved for approval of the request.

Motion: Vice-Chairman Thompson MOVED, SECONDED by Commissioner Caster, to approve the request by South College Associates for a special use permit for a high density residential development with 218 units on approximately 35 acres in an R-15 Residential District located in Johnson Farms off South College Road near Still Meadow Drive based on the evidence presented and the findings of facts concluding that: 1) the use will not materially endanger the public health or safety if located and developed according to the plan as submitted and approved; 2) the use meets all required conditions and specifications of the Zoning Ordinance; 3) the use will not substantially injure the value of adjoining or abutting property or that the use is a public necessity; and 4) the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development for New Hanover County with the condition that parking areas in the multi-family portion shall be constructed of pervious paving materials according to Low Impact Development standards and incorporating the Technical Review Committee comments as follows:

- No gates or obstructions will be allowed within the project. A fire hydrant plan acceptable to County Fire Services will be required prior to Final Plat approval.
- The collector road known as Still Meadow Drive leading from South College Road to the project will be designed, platted, and recorded as a dedicated public right-of-way.
- Traffic Impact Analysis requirements embraced by NCDOT and the Wilmington Metropolitan Planning Organization for off-site road improvements on South College Road will be required through an approved NCDOT Driveway Permit.
- Once the Special Use Permit is approved, the Technical Review Committee wishes to review the project again.
- Low Impact Development techniques are recommended for the project.
- According to the Cape Fear Public Utility Authority, sewer capacity will not be available until spring 2010.
- The parking lot areas will need to be named (unduplicated) for addressing purposes.
- Gate Post Lane will need to be properly aligned per NCDOT comments.

Upon vote, the MOTION CARRIED 3 TO 2. Commissioner Barfield and Commissioner Greer voted in opposition.

A copy of the order granting the Special Use Permit and listing the findings of facts is hereby incorporated as a part of the minutes and is contained in SUP Book IV, Page 25.1.

APPOINTMENT OF COMMISSIONER ROBERT G. GREER TO THE BOARD OF DIRECTORS FOR THE NEW HANOVER COUNTY FINANCING CORPORATION

Chairman Davis reported that the Board has been requested to appoint a Commissioner to the New Hanover County Financing Corporation Board of Directors with the term to expire in December 2009 and requested direction from the Board.

Motion: Commissioner Caster MOVED, SECONDED by Commissioner Barfield, to appoint Commissioner Robert G. Greer to serve on the Board of Directors for the New Hanover County Financing Corporation with the term expiring in December 2009. Upon vote, the MOTION CARRIED UNANIMOUSLY.

NON-AGENDA ITEMS

Chairman Davis announced that time had been reserved to allow the public to present an item that was not listed on the regular agenda. He requested all persons speaking to limit their remarks to three minutes.

No items were presented.

ADDITIONAL ITEM - ADOPTION OF RESOLUTION AUTHORIZING THE SUBMITTAL OF A "SAFE ROUTES TO SCHOOL" GRANT APPLICATION FOR OGDEN ELEMENTARY SCHOOL

Planning Director Chris O'Keefe reported that the federally funded "*Safe Routes to School Program*" provides grant funding for projects that promote safe walking and biking for school aged children. Staff has been working with a local community group called "*Getting Connected*" on a grant application to improve pedestrian and bicycle safety for school kids at Ogden Elementary School. This grant will fund phase 1A of an ongoing effort to make the Middle Sound community safer for pedestrians, cyclists and automobile users and will fund 100% of project construction. The grant is a reimbursement grant so the County must pay for improvements up front and be reimbursed. The resolution authorizes the County to serve as the lead agency to submit and to administer the grant. The County will be responsible for maintenance with a preliminary estimate in an amount of less than \$1,000 per year. The Board will have the opportunity to accept the grant if it is awarded. No County match is required.

Chairman Davis requested direction from the Board.

Motion: Commissioner Greer MOVED, SECONDED by Commissioner Caster, to adopt the resolution authorizing the submittal of a "*Safe Routes to School*" grant. Upon vote, the MOTION CARRIED UNANIMOUSLY.

A copy of the resolution is hereby incorporated as part of the minutes and is contained in Exhibit Book XXXII, Page 3.9.

ADJOURNMENT

There being no further business, Chairman Davis requested a motion to adjourn the meeting.

Motion: Commissioner Barfield MOVED, SECONDED by Vice-Chairman Thompson to adjourn the meeting. Upon vote, the MOTION CARRIED UNANIMOUSLY.

Chairman Davis adjourned the meeting at 7:52 p.m.

Respectfully submitted,

Sheila L. Schult
Clerk to the Board

Please note that the above minutes are not a verbatim record of the New Hanover County Board of Commissioners meeting. The entire proceedings are available for review and check-out at all New Hanover County Libraries.