

**Minutes of the  
New Hanover County Planning Board  
May 7, 2009**

The New Hanover County Planning Board met Thursday, May 7, 2009 at 5:30 p.m. in the Assembly Room of the Historic County Courthouse, Wilmington, NC to hold a public meeting.

Planning Board Present:

Richard Collier, Vice Chair  
Melissa Gott  
Sue Hayes  
Andy Heath

Staff Present:

Chris O'Keefe, Planning Director  
Sam Burgess, Principal Development Planner  
Jane Daughtridge, Senior Planner  
Sharon Huffman, Assistant County Attorney

Absent:

Sandra Spiers  
Jay Williams, Chair  
Ken Wrangell

Richard Collier opened the meeting by welcoming the audience to the public hearing. Sam Burgess led the reciting of the *Pledge of Allegiance*.

Sue Hayes made a motion to approve the April Planning Board meeting minutes; Andy Heath seconded the motion. The Planning Board voted unanimously to approve the minutes.

**Item 1: Special Use Permit (S-590-5/09) – Request by Janie Walker for in-home child daycare for 8 children at 4432 Jason Court in the Churchill Estates Subdivision. The location is in an R-10 Residential zoning district and is classified as Urban on the 2006 CAMA Land Classification Map.**

Jane Daughtridge showed maps and photographs of the property and of the surrounding area. Ms. Daughtridge provided information pertaining to land classification, access, level of service, zoning, flood zones, watershed, and water quality. Ms. Daughtridge indicated the proposed location of a circular driveway and four parking spaces as well as the current location of the fenced in play area in photographs of the property.

Chris O'Keefe provided the following findings of fact:

- 1. The Board must find that the use will not materially endanger the public health or safety where proposed and developed according to the plan as submitted and approved.**

- A. Public water and sewer serves the property.

- B. The property accesses N. Kerr Avenue, an identified arterial, by Grathwol Drive a local street.
- C. Level of Service on N. Kerr Avenue is rated as F, meaning traffic exceeds the design capacity and delays of 45-60 seconds occur at intersections.
- D. Average daily traffic counts along N. Kerr Ave. in the vicinity decreased by about 17% between 2007 and 2009.
- E. Traffic Impact Analysis is not required because traffic for this use will not reach the threshold of 100 peak hour trips.
- F. Fire Service is available from the Ogden Fire Department.
- G. The property is not located in a flood hazard area.
- H. The proposed facility is a single family residence. The applicant currently keeps 5 children.

**2. The Board must find that the use meets all required conditions and specifications of the Zoning Ordinance.**

- A. The property is zoned R-10 Residential.
- B. Off-street parking requirements must meet Article VIII of the New Hanover County Zoning Ordinance. (Four spaces for drop-off and pick up in addition to the two spaces required for the residence.)
- C. The applicant proposes to add a circular driveway to meet the ingress and egress requirements of the Section 72-20(2)
- D. There is an existing play area which is enclosed by a chain link fence that is four feet high as required by the ordinance.
- E. The day care must be licensed by the State of North Carolina.
- F. In accordance with Section 72-20 no outside signs in excess of 2 sq. ft. shall be permitted.
- G. All other local, state and federal requirements must be met, including possible property upgrades to meet building codes and fire safety codes.

**3. The Board must find that the use will not substantially injure the value of adjoining or abutting property or that the use is a public necessity.**

- A. Child care facilities exist in other residential districts in New Hanover County. The applicant has been operating a home daycare in the neighborhood.
- B. No evidence has been submitted that this project will decrease property values of residents who live nearby.

**4. The Board must find that 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.**

- A. The 2006 Land Use Plan Update identifies this area as Urban.
- B. Policies in the 2006 Land Use Plan do not specifically address daycare needs.

## STAFF COMMENTS

Staff feels that these findings are positive.

Mr. O'Keefe stated that staff has received several call regarding this project and that there are individuals present to speak on both sides of the issue.

Daniel Walker, husband of the petitioner stated that they have operated an in-home daycare facility for approximately three months and are currently caring for five children. Mr. Walker stated that they are requesting a special use permit so that may care for up to eight children. Mr. Walker stated that he and his wife are taking the appropriate steps to comply with all county and state regulations and feels that the daycare would not negative impact property values. Mr. Walker stated that the daycare generates minimal traffic and that he has instructed his clients to use the marked off circular drive. Mr. Walker stated that he likes his neighbors and has lived there for over 16 years and hopes that any concerns can be worked out through communication.

Corey Lewis, adjacent property owner spoke on behalf of his wife, plus seven other homeowners in opposition to the request for a special use permit. Mr. Lewis stated that he has signed petition letters opposing the application and photos for the Board's consideration. Mr. Lewis stated that he and the seven other homeowners oppose the petition because the circular driveway will change the front landscape, thereby decreasing property values and would not be in harmony with the surrounding homes. Mr. Lewis also felt the proposal would increase traffic and endanger the children who play in the street.

Mr. Lewis stated that Ms. Walker would need to hire an additional staff person to help her care for up to eight children which would increase traffic. Mr. Lewis stated that he does not want his neighborhood turned into a commercial zone. Mr. Lewis also was concerned that any modifications to meet fire codes or provide for handicap accessibility would alter the exterior appearance and decrease property values. Finally Mr. Lewis expressed concern regarding the fenced in play area stating that although it meets the County's height requirements, it does not prevent children from sticking their hands through the fence and possibly being bitten by his dogs.

Daniel Walker stated in his rebuttal period that circular driveways are aesthetically attractive and that he believes his circular drive would not decrease property values. Mr. Walker stated that Mrs. Walker does not allow the children to go near the dogs. Mr. Walker stated that there is minimal traffic on Jason Court but that some may feel that there are a lot of cars because he and his wife both own two cars each.

Mr. Lewis did not make any comments during his rebuttal period

Melissa Gott asked staff if there was enough room to construct a three point turn instead of a circular drive.

Jane Daughtridge stated that a three point turn might be a possibility and explained that the applicant may choose the design for ingress/egress so long as cars do not back out into traffic.

Melissa Gott asked Mr. Walker if there was enough room to create a three point turn in his driveway; if there was a homeowners association in the development; and if the children being cared for were transported into the neighborhood,

Daniel Walker stated that he has enough room to create a three point turn and prefers that alternative to the circular drive. Mr. Walker stated that there is no homeowners association and that the children being cared for would be brought from outside the neighborhood.

Richard Collier asked Mr. Walker if he had enough room to widen the driveway and whether the children that are cared for live in the neighborhood.

Daniel Walker stated that there is enough room to widen the driveways and that the additional two children would be from outside the neighborhood.

Andy Heath asked Mr. Walker to elaborate on the stated hours of operation: 6:30am -12:00 am.

Daniel Walker explained that his wife Janie Walker is considering operating a second shift but currently she only operates one shift.

Jane Daughtridge stated that the ordinance does not prescribe hours of operation for daycare facilities but that conditions of hours of operation have been placed on special use permit for daycare facilities in the past.

Jane Daughtridge stated the daycare must provide six parking spaces in addition to a driveway design in which vehicles could pull out rather than back out and that this site plan would be subject to the approval of code enforcement. Ms. Daughtridge stated that it was the opinion of Ann Hines, Chief Zoning Officer, that a circular drive might accommodate both conditions. Additionally, Ms. Daughtridge stated that Ms. Hines requested clarification of what type of material would be used to construct the driveway. It was stated that if the ground was stable, that the driveway did not have to be paved; grass with wheel stops was acceptable.

Melissa Gott stated that she preferred a grass driveway to a paved driveway.

Daniel Walker stated that he was open to many design types and materials to meet the driveway and parking requirements.

Melissa Gott stated that she was comfortable approving the special use permit to allow for additional children but that she would like to come up with a proposal for the driveway what would maintain the residential character of the neighborhood. Ms. Gott stated that she did not see any other circular driveways in the neighborhood.

Richard Collier stated that he was partial to concrete pavers which allowed grass to grow through the pavers. Mr. Collier suggested a second driveway on the opposite side of the house to accommodate parking and a three point turn area subject to code enforcement approval.

Sue Hayes echoed Ms. Gott's and Mr. Collier's opinion that she was comfortable with allowing additional children to be cared for but wanted the driveway to be as unobtrusive as possible. Ms. Hayes suggested recommending approval of the request with the condition that code enforcement help design a driveway that is functional and aesthetically attractive.

Chris O'Keefe stated that the Board should explicitly state in the motion a recommendation for either a circular drive or a widened drive with a three point turn area to help guide code enforcement as well as the petitioner.

Sue Hayes made a motion to recommend approval with the provision that the plan not include a circular driveway but an enlargement of the existing driveway to accommodate the additional required parking and turn around area.

Melissa Gott seconded the motion.

The Planning Board voted 4-0 to recommend approval of the item with the driveway condition.

**Item 2: Special Use Permit (S-591-5/09) – Request by Gertrude Martins for in-home child daycare for 8 children at 523 Upland Drive in Bayshore Estates Subdivision. The location is in an R-15 Residential zoning district and is classified as Watershed Resources Protection on the 2006 CAMA Land Classification Map.**

Jane Daughtridge showed maps and photographs of the property and of the surrounding area. Ms. Daughtridge provided information pertaining to land classification, access, level of service, zoning, and flood zones. Ms. Daughtridge indicated that the petitioner proposes parking along the existing driveway and stated that there is a fenced in play area.

Chris O'Keefe provided the following findings of fact:

**Preliminary Staff Findings**

- 1. The Board must find that the use will not materially endanger the public health or safety where proposed and developed according to the plan as submitted and approved.**
  - A. Public water and sewer serves the property.
  - B. The property accesses Market Street, an identified arterial, by Bayshore Drive a neighborhood collector street.
  - C. Level of Service on Market Street is rated as F, meaning traffic exceeds the design capacity and delays of 45-60 seconds occur at intersections.
  - D. Average daily traffic counts along Market Street decreased between 2006 and 2009 by about 5%. Within the neighborhood, traffic has also decreased nearly 25% on Bayshore Drive between 2006 and 2008.
  - E. Traffic Impact Analysis is not required because traffic for this use will not reach the threshold of 100 peak hour trips.
  - F. Fire Service is available from the Ogden Fire Department.
  - G. The property is not located in a flood hazard area.

H. The proposed facility is a single family residence. The applicant currently keeps 5 children.

**2. The Board must find that the use meets all required conditions and specifications of the Zoning Ordinance.**

- A. The property is zoned R-15 Residential.
- B. Off-street parking requirements must the requirements of Article VIII of the New Hanover County Zoning Ordinance. Four spaces in addition to the normal residential requirement of 2 spaces must be provided.
- C. The applicant proposes a 3-point turn in the driveway and parking areas to meet the ingress and egress requirements of the Section 72-20(2)
- D. There is an existing play area which is enclosed by a privacy fence that is more than four feet high as required by the ordinance.
- E. The day care must be licensed by the State of North Carolina.
- F. In accordance with Section 72-20 no outside signs in excess of 2 sq. ft. shall be permitted.
- G. All other local, state and federal requirements must be met, including possible property upgrades to meet building codes and fire safety codes.

**3. The Board must find that the use will not substantially injure the value of adjoining or abutting property or that the use is a public necessity.**

- A. Child care facilities exist in other residential districts in New Hanover County. The applicant has been operating a home daycare in the neighborhood.
- B. No evidence has been submitted that this project will decrease property values of residents who live nearby.

**4. The Board must find that 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.**

- A. The 2006 Land Use Plan Update identifies this area as Watershed Resource Protection.
- B. Policies in the 2006 Land Use Plan do not specifically address daycare needs.

**STAFF COMMENTS**

Staff feels the findings are positive.

Gertrude Martins, the applicant stated that she currently cares for five children and requests a special use permit so that she may care for up to eight children.

No one spoke in opposition to the item.

Richard Collier asked the applicant if she intended for all four parking spaces to be located on the driveway or would parking spaces be located off the driveway.

Jane Daughtridge stated the petitioner would need to construct four parking spaces located off the main driveway or a circular drive would need to be constructed.

Gertrude Martins drew on the site plan the proposed location of the four parking spaces.

Melissa Gott made a motion to recommend approval of the special use permit application. Sue Hayes seconded the motion. The Planning Board vote 4-0 to recommend approval of the item.

**Item 3: Conditional Rezoning (Z-894-5-09) – Request by Royal Palms MHP, LLC to conditionally rezone 27.6 acres at 5140 Carolina Beach Rd. from R-15 and R-10 to CD(R-10) for use as a high density residential project of 288 units. The location is currently used for a mobile home park of 191 units and is classified Urban and Conservation on the 2006 CAMA Land Classification Map.**

Jane Daughtridge showed maps and photographs of the property and of the surrounding area. Ms. Daughtridge provided information pertaining to land classification, access, level of service, zoning, flood zones, and watersheds. Ms. Daughtridge indicated the property is currently a mobile home park with 191 units. Ms. Daughtridge also stated that the property is located within the planned annexation for the City of Wilmington and will be annexed in 2010.

#### **STAFF SUMMARY**

The subject property is located in the southern portion of the county in an area classified as Urban and Conservation on the 2006 CAMA Land Classification map. It is within the area under consideration for annexation by the City of Wilmington. A decision is anticipated on the annexation on May 5, 2009.

The property is accessed from Carolina Beach Road, a major arterial roadway. Traffic counts just east of this location show about an 18% increase in average daily traffic between 2007 and 2009.

Carolina Beach Road has a 2007 LOS of E, meaning the road is operating at its design capacity and experiencing delays at intersections.

The property is located northwest of the intersection of Carolina Beach Road and Antoinette Drive. Existing use is a mobile home park of about 191 spaces which has been operating in this location since the mid-1970's. To the north of the subject property is another mobile home park of about 22 spaces. East of the site is commercial development and vacant residential land. To the south and across the Motts Creek floodway is Marquis Hills Subdivision.

The subject property is located in the Motts Creek watershed drainage area which is classified C; Sw. The rear portion of the property is within the 100 year flood zone and the Motts Creek floodway influences the southern boundary. Soils are primarily Class II with a smaller area of Class IV wet soils that roughly coincide with the floodway and areas of swamp forest.

Chris O’Keefe stated that staff recommends approval of the rezoning to R-10 because the property is located primarily in the urban land classification, urban services are available to the property, and it is located near a commercial node which offers services and employment. Mr. O’Keefe provided the following land use considerations:

**Land Use Plan Considerations:**

Policies in the 2006 Land Use Plan encourage development within the urban services area where existing infrastructure is available (5.5.5); require street connectivity and prohibit cul-de-sacs that impede connectivity (6.5). Limit density and impervious surfaces in the floodplain (3.9.1 and 21.1.1 and 21.2);

Conditional districts are designed for firm development proposals and require site specific plans to be approved as special use permits, thus providing maximum protection and predictability. In this case, the conditional district serves to consolidate the underlying zoning designations as relates to the high density proposal.

The 2006 Update of the Joint CAMA Plan describes the purpose of the urban class as providing for continued intensive development and redevelopment of existing urban areas with existing developed at a density approaching 1,500 dwelling units per square mile and urban services already in place or scheduled within the immediate future. The purpose of the Conservation class is to provide for effective long-term management and protection of significant, limited or irreplaceable natural resources while also protecting the rights of the property owner. Management of these areas may be required for a number of reasons, including natural, cultural, recreational, productive or scenic values, but are primarily flood prone areas.

The subject property abuts Marquis Hills subdivision and vacant land to the south, Bowden Mobile Home Park to the north. Walmart is across Carolina Beach Road. A street stub is provided to the Bowden property on the north. Interconnectivity to Normandy Drive to the south will provide secondary access to enhance circulation, safety and efficiency of traffic options for the proposed development.

No traffic impact analysis was produced for this proposal. Since the existing use already generates traffic, the additional number of units will not generate the requisite 100 peak hour trips according to the applicant.

Public water and sewer currently serve this site, however until pump station upgrades are completed in the area, additional capacity will not be available. Therefore, the project anticipates a phased development schedule with 72 of the proposed 288 units being delayed.

Mr. O’Keefe provided the following findings of fact:

- 1. The Board must find that the use will not materially endanger the public health or safety where proposed and developed according to the plan as submitted and approved.**
  - a. Public utilities are available to the site.

- b. Fire Service is provided by the Myrtle Grove Fire Department.
- c. The property is partially located in a flood hazard area and is influenced by the Motts Creek floodway.
- d. Stormwater control is subject to the requirements of the County's stormwater ordinance and is proposed to be accommodated in ponds at various locations around the site.
- e. A traffic impact analysis was not prepared for this proposal because the additional units are anticipated to generate less than the threshold. An additional seventy-seven (77) peak hour trips were calculated.
- f. The existing mobile home park maintains 191 spaces or density of about 7 units per acre. The request will result in density of 10.4 units per acre.
- g. Access to the site is from Carolina Beach Road. One of the existing two driveways will be closed. Secondary access will be made by interconnectivity to the Normandy Drive stub.
- h. The project is located in the Motts Creek drainage area. Motts Creek is classified as C; Sw.

**2. The Board must find that the use meets all required conditions and specifications of the Zoning Ordinance.**

- a. The 27.6 acre site is currently a mobile home park with zoning split between R-10 and R-15. This request is made concurrent with conditional rezoning to CD(R-10) for 288 condominium units.
- b. Under the current split R-10 and R-15 zoning, the maximum residential density permitted by right for this property would be 83 units.
- c. Conditional zoning districts are designed for firm development proposals and not for tentative development.
- d. Parking is proposed at 644 spaces, which includes two (2) spaces per apartment unit and an additional 18 spaces, plus 50 spaces for the clubhouse area.
- e. Information on the proposal was shared by the applicant with surrounding property owners at a meeting on April 16, 2009.
- f. Buffers on the site plan are consistent with Sec. 67-4(4) and the Conservation Overlay District.
- g. Open space is proposed at about 6.5 acres or 23.8%, which exceeds the minimum requirement of 20%.
- h. Improved recreational space meets the minimum requirement of 15%.

**3. The Board must find that the use will not substantially injure the value of adjoining or abutting property or that the use is a public necessity.**

- a. No evidence has been submitted that this project will decrease property values of adjacent parcels.
- b. Surrounding property includes a mobile home park, single family residential and commercial development.

**4. The Board must find that 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.**

- a. The 2006 Update of the Joint CAMA Plan encourages higher density development to be located in urban areas where public services are already in

place. The Conservation class applies to areas within the 100 year flood plain. The purpose of the class is to provide for effective long-term management and protection of significant, limited, or irreplaceable natural resources while also protecting the rights of the property owner.

- b. The location is in an area being considered for annexation by the City of Wilmington.

Mr. O’Keefe stated that because the area is slated to be annexed in 2010 by the City of Wilmington, planning staff from the City of Wilmington were contacted for comment; no substantial comment was received. Mr. O’Keefe added that despite the imminent annexation, County Planning staff approached the review of this item with the same care and concern for acting in the public interest as all project and provided the following technical corrections need to be made to the site plan:

1. The Overall Site Data table has been recalculated and both the table and the site plan needs to reflect those calculations and the location of open space.
2. The Density Calculation table incorrectly states that 469.37 units would be “permitted on the site.” The number of units permitted by right would not be the same as the number potentially allowed by special use. Under current conditions, the maximum number of units permitted 83 ( $17.11 \times 3.3 + 10.5 \times 2.5$ ). The high density multiplier expresses the maximum number that could be requested under a special use permit when all findings can be met on a site specific basis. It does not suggest that any particular number beyond the performance density will be permitted.
3. The adjacent zoning district for the Ronald Hughes property is shown as B-2. The actual zoning for that piece of the property is R-15.

Mr. O’Keefe recommended the following additional condition be placed on the item:

1. The street connection for secondary access will be completed prior to Certificates of Occupancy on the 72 units in Phase II. Connection to Normandy Drive will require easements and environmental permits in order to cross the floodway, but secondary access is important to accommodate this requested number of units.

Sue Hayes asked staff to clarify the number of permitted units allowable by right and felt that a traffic impact analysis (TIA) should be required and wondered if the Planning Board should recommend that a TIA be performed as a condition of the permit.

Planning Staff responded that 83 units would be permitted on the property if the mobile home park was replaced by development and that a traffic impact analysis was not required according to the traffic manual calculations. Mr. O’Keefe stated that the Planning Board could place conditions with their recommendations.

The Board expressed concern regarding the high volume of traffic surrounding the proposed project.

Rich Morgan representing Royal Palms Mobile Home Park introduced the project engineer, Comer Lyons.

Comer Lyons, with Cape Fear Engineering stated that the proposal met all four of the requirements for a conditional use permit stating that: 1.) the project would not materially endanger the public health or safety because it will remove 46 non-compliant structures from the floodplain; 2.) the project meets all required conditions and specifications of the Zoning Ordinance and stated that the calculation errors that Planning Staff indicated would be adjusted on the site plan and met parking, height, and other zoning requirements; 3.) the use will not substantially injure the value of adjoining or abutting property because the project is well buffered and is surrounded by multi-family and commercial uses; and 4.) the project is in harmony with the area and in general conformity with the plan of development for New Hanover County citing that the area is heavily developed and their proposal is well suitable for an urban area and that the proximity of multi-family to services and shops will limit the amount of vehicle trips.

Mr. Lyons also stated that the additional trips generated by the proposal is below the threshold that would require a TIA stating that only an additional 44 trips would be generated in the AM peak hours and an additional 35 trips in the PM peak hours. Mr. Lyons stated that the mobile home park is serviced by a full decelerator taper lane and a dedicated right turn lane and feels the transportation infrastructure is already in place. Mr. Lyons also stated that the project would meet all DOT driveway permit requirements. Mr. Lyons stated that one of the two ingress/egress driveways would be closed and redeveloped to residential collector standards. Finally, Mr. Lyons stated that he performed his own study to determine the level of service (LOS) because he had not yet received a response from the Wilmington Metropolitan Planning Organization (WMPO); following the DOT Highway Transportation Manual, his calculations showed a LOS C along the segment of Carolina Beach Road which fronts his project and not a LOS E. Mr. Lyons stated that either way (LOS C or E), the additional traffic generated by the proposed project would not alter the LOS and would be a minimal impact.

No one spoke in opposition to the item.

Melissa Gott asked if a revised staff plan was presently available. Ms. Gott asked the petitioner if he agreed with Planning staff's conditions. Ms. Gott also asked staff to confirm that NCDOT would review the project's driveway to determine if any roadway improvements were necessary during their approval process.

Jane Daughtridge stated that the proposed corrections to the site plan are listed in the Planning Board packets and will appear on the site plans for the County Commissioner meeting.

Comer Lyons stated that the project would comply with Planning staff's conditions.

Chris O'Keefe confirmed that the NCDOT would have to approve the project driveway before a permit was issued.

Sue Hayes asked if the City of Wilmington's annexation of this area would impact this project.

Chris O’Keefe cited some differences between the City’s and the County’s zoning ordinances but stated that on the whole the elements that the County believes are important will transfer to the City and create good projects.

Jane Daughtridge commented that projects annexed into the City of Wilmington would be subject to City zoning; conditions placed on special use permits by the County would be nullified for projects which do not require a special use permit in the City; and any County approved projects in good standing could be vested under the county approval when annexed into the City vested if the owners choose to do so. Ms. Daughtridge stated that the County needs to address the issue of how to handle approvals in this area so that the county boards are not wasting their time on approvals that will end up meaningless.

Andy Heath asked how any units were necessary to require a second connection for this project.

Chris O’Keefe stated that there is not a specific number since the project is not considered a subdivision but that the county attempts to make connection wherever possible to improve the flow of traffic.

Comer Lyons stated that because the second roadway connection is slated to be constructed after the first phase of development, the number of units in phase is less than the existing number of mobile homes.

Andy Heath read that the second connection had to be completed prior to the issuance of the certificate of occupancy for the remaining 72 units or the second phase.

Comer Lyons explained that the second connection would be made when their project exceeded the current capacity (191 units).

Richard Collier asked Mr. Lyons if he had right of way secured for the connection.

Mr. Lyons stated that either New Hanover County or the Cape Fear Water and Sewer Authority owned the property where the roadway connection was desired and he hoped that they would work with them to create the connection. Mr. Lyons stated that the connection might not be possible given that there are issues that may need to be mitigated because the location of the connection is located in a floodplain and a conservation district, there are wetlands; and residents like the mature trees. Mr. Lyons also acknowledged that ~~he would have~~ the County Commissioners would need to modify the special use permit if the second connection was a condition of the permit and not able to be actualized.

Andy Heath asked if the cul-de-sac would be in violation of length of the road if the second connection was not established.

Chris O’Keefe stated if the property was to be subdivided in the future, an alternative strategy would have to be developed, or a waiver would need to be granted by the Technical Review Committee. Mr. O’Keefe stated that fire services might have issues and concerns as well with

the cul-de-sac. Mr. O'Keefe stated that the land acquisition from the County or the Cape Fear Public Utility Authority should not be problematic but the developer might need to construct a bridge to cross over the floodway or conservation easement.

Sue Hayes questioned if this proposal should be approved given that there may be only one access point instead of two.

Chris O'Keefe stated that the proposal should move forward but recommended that additional information detailing the probability of the second connection should be provided by the petitioner before the County Commissioners meeting.

Sharon Huffman stated that it would be appropriate for the Planning Board to recommend that a condition be placed on the special use permit that a certificate of occupancy would not be granted until a second connection for ingress/egress was provided.

Richard Collier asked if the April 16, 2009 community meeting was well attended. Mr. Collier also asked how the residents of the mobile home park were responding to the development proposal.

Comer Lyons stated that four individuals attended the meeting and twenty or so were invited.

Rich Morgan stated that the residents of the mobile home park have a lot of questions specifically as to their options and how much time to they have to relocate. Mr. Morgan stated that the residents will have ample time to relocate and an option to buy into the new development.

John Riggs expressed concern that the residents of the mobile home park were not receiving notification that they needed to relocate their mobile homes. Mr. Riggs stated that 191 families live in the mobile home park and 700 people were going to be displaced. Mr. Riggs stated that mobile home parks are dwindling and that relocation options are scarce given restrictions in Pender County make relocation prohibitive there and that land in Brunswick County is unsuitable for mobile homes.

Andy Heath made a motion to recommend rezoning the property to conditional use R-10. Sue Hayes seconded the motion. The Planning Board voted 4-0 to recommend approval of the rezoning.

Sue Hayes made a motion to recommend approval of the special use permit with staff's recommended conditions and the added condition that certificates of occupancy not be issued for buildings in the second phase of development until a second access for ingress and egress be constructed. Andy Heath seconded the motion and confirmed that the second phase contained 100 units.

The petitioner confirmed that the second phase contained 100 units.

Richard Collier summarized that phase one contained 10 buildings with 18 units per building totaling 180 units and phase 2 contained 108 units; the entire project totaled 288 units. Mr. Collier added that certificate of occupancy would be withheld from phase 2 until a second access was created.

The Planning Board voted 4-0 to recommend approval of the special use portion for high density development with conditions.

Sam Burgess provided an update of the Technical Review Committee's (TRC) activity for the month of April:

1. **Liberty Landing** – The TRC voted 5-0 to approve the item with conditions.

Mr. Burgess stated that the TRC would most likely meet next on May 13, 2009.

Chris O'Keefe asked the Planning Board for their input as to what measures they might recommend to help guide daycare providers through the special use process and if there were any items of information that the Planning Board would like for themselves to help guide them in the recommendation process.

Richard Collier stated that both site plans this evening were slightly difficult to read but would not require full site plans because it would be a waste of money; the necessary items such as distance and detail were indicated on the plans.

Mr. Collier recommended that the petitioner meet with the appropriate departments such as zoning, inspections, and fire services to work through any issues prior to the item being heard before the Planning Board in a public forum. Mr. Collier cited the types of allowable materials for driveways as an instance of clarity that he would like to have been worked out prior to the Planning Board hearing the item.

Jane Daughtridge explained that after a daycare provider receives a special use permit, they must also consult with other departments such as building inspections and fire services to make sure that their building meets the required codes. Ms. Daughtridge states that she advises applicants of these additional requirements.

Sue Hayes suggested that a brochure be given to applicants pursuing a special use permit to operate a daycare facility that outlined the required steps.

Sue Hayes made a motion to adjourn the meeting; Andy Heath seconded the motion. The Board voted unanimously to adjourn.

The Planning Board adjourned at 7:40 p.m.