

**Minutes of the
New Hanover County Planning Board
April 3, 2008**

The New Hanover County Planning Board met Thursday, April 3, 2008 at 5:30 p.m. in the Assembly Room of the Old County Courthouse, Wilmington, NC to hold a public meeting.

Planning Board Present:

Melissa Gott, Chair
David Adams
Richard Collier
Sue Hayes
Jay Williams
Ken Wrangell

Staff Present:

Chris O'Keefe, Planning Director
Sam Burgess, Principal Development Planner
Jane Daughtridge, Senior Planner
Kemp Burpeau, Assistant County Attorney
Karyn Crichton, Administrative Specialist

Absent:

Sandra Spiers, Vice Chair

Melissa Gott 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 March minutes. Richard Collier seconded the motion. The Planning Board voted 5-0 to approve the minutes.

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

1. Sycamore Grove – The TRC voted 4-0 to continue the item until the April 9, 2008 TRC meeting.

Mr. Burgess stated that the TRC will meet next on April 9, 2008.

Item 1: Rezoning Request (Z-882, 4/08) – Request by Withers & Ravenel for Tri-Coast Properties to rezone approximately 10.9 acres located at 4800 Blue Clay Road in the Wetland and Aquifer Resource Protection Land Classifications from R-15 Residential to O&I Office & Institutional District. The action would open the range of uses to include offices and institutional facilities while still allowing for residential uses.

Jane Daughtridge showed maps and photographs of the property and of the surrounding area. Ms. Daughtridge also provided information pertaining to land classification, access, levels of service, zoning, and soils. Ms. Daughtridge provided the following staff summary:

STAFF SUMMARY

The subject property is located in the northern portion of the county in an area classified as Wetland and also Aquifer Resource Protection on the 2006 CAMA Land Classification map. The property is at the terminus of Blue Clay Road at I-40, but there is no access to I-40. Level of service on Blue Clay Road up to Sidbury Road has been rated B along this segment, meaning traffic flow is free and stable.

The subject property is currently a vacant, wooded parcel. Surrounding property is all zoned R-15. Property to the south is occupied by a large power substation, and further south is the north campus of Cape Fear Community College. Scattered low density residential uses are evident to the north and west. I-40 extends along the entire eastern boundary.

The subject property is located within the Prince Georges Creek watershed drainage area. The property is not influenced by flood hazard. The site is a secondary recharge area for the principal aquifers. A county water line is in the area but no public sewer is available. Soils have severe limitations for septic tanks.

Chris O'Keefe recommended approval of the rezoning request based on its consistency with the County's land use plan. Mr. O'Keefe provided the following land use plan considerations:

Land Use Plan Considerations:

This rezoning petition proposes a change from moderate density R-15 Residential with a maximum of 2.5units/acre to O&I Office and Institutional District. The O&I district allows residential development at the same density as R-15, but also allows for schools, banks, business services, daycare, healthcare and other office situations. An additional advantage is that maximum height is increased to 40 feet.

The purpose of the Office and Institutional District is to provide areas where institutional uses, professional office uses and other uses compatible to uses of an office or institutional nature shall be encouraged to locate and to provide protection for this type land use from encroachment by other less desirable uses. The district's principal means of ingress and egress shall be along collector roads, minor arterials, and/or major arterials as designated on the County's Thoroughfare Classification Plan.

The 2006 Update of the Joint CAMA Plan describes the purpose of the Resource Protection class as providing for the preservation and protection of important natural, historic, scenic, wildlife and recreational resources. The Resource Protection class was developed in recognition of the fact that New Hanover County, one of the most urbanized counties in the State, still contains numerous areas of environmental or cultural sensitivity which merit protection from urban land uses.

The Aquifer Resource Protection subclass occurs in the Northwest part of the County North of Smith Creek, and is the area where the Castle Hayne and Pee Dee Aquifers secondary recharge occurs. The impacts that the resource is being protected from is diminished recharge of the aquifer and contamination of the aquifer by inappropriate land uses. The focus of strategies to protect this Resource Protection subclass is encouraging larger lot development if septic systems are used to prevent cross contamination of wells, extension of water and sewer service to curtail septic system use, prevention of uses that pose risk of spill of hazardous materials, and encouraging development practices that promote sustained recharge.

The Wetland Resource Protection subclass is primarily in the northeastern part of the county. The impact from which protection is needed is loss of wetland areas to development. The primary resource protection strategies focus on encouraging preservation of wetlands and wetland functions.

Although the Progress Energy substation property separates this parcel from the existing O&I at the Community College, it is not inconsistent to allow for additional office in the vicinity of the college. Based on the foregoing analysis, staff recommends approval.

Cindee Wolf, landscape architect with Withers & Ravenel and representing the owners, Tri-Coast Properties stated that the property is appropriate for office uses given the traffic signal and will be a low density development given the triangular shape of the parcel.

There was no public comment.

Richard Collier asked if the property is subject to the special highway overlay district (SHOD) regulations and if so what types of restrictions would be placed on the property.

Jane Daughtridge stated that the property is subject to SHOD regulations and would be required to take additional measures to shield its operations from the highway including additional landscaping buffer and would not be prohibited from outside open storage.

Richard Collier made a motion to recommend approval of the item. Sue Hayes seconded the motion. The Planning Board voted 6-0 to recommend approval of the item.

Item 2: Special Use Permit Modification (S-13 M, 4/08) – Request by Shanklin & Nichols to modify and expand the existing special use permit for Carolina Marina & Yacht Club to include a 200 slip dry stack storage facility; eliminate the approved

boat ramp; and redesign the approved pier at 1512 Burnett Road in the R-15 Residential Zoning District and in the Conservation Land Classification

Jane Daughtridge showed maps and photographs of the property and the surrounding area. Ms. Daughtridge provided information pertaining to the property's land classification, access, levels of service, zoning, and flood information. Ms. Daughtridge summarized the case history of S-13 stating that the original special use permit was issued in 1971 and was administratively modified several times to accommodate for changing times yet still adhere to the scope of the original site plan.

Ms. Daughtridge stated that the current plan was administratively approved in 2005 and permits: two piers, one boat ramp, 41 boat parking spaces, additional club house parking spaces, stormwater facility, and a garage. Ms. Daughtridge then summarized the proposed modifications explaining that the petitioner proposes to combine the two piers into one large pier; parking has been shifted to the southern boundary of the property to accommodate for a dry stack storage building; the clubhouse and stormwater facility remain approximately in the same locations; a substantial buffer has been proposed along the southern property boundary; and pervious pavement has been proposed throughout the site plan.

Ms. Daughtridge also showed photos of Watermark Marina, located off River Road, because the petitioner plans to build a similar type pier.

Chris O'Keefe provided a brief history of the item stating that the site plan was originally approved in 1971 and since that time has been through a series of administrative changes. In February 2008, the applicant submitted changes that were deemed by staff to be major and required County Commissioner approval. The Planning Board recommended denial of the proposals in March 2008 because the proposal lacked sufficient detail. Mr. O'Keefe shared the following findings of fact and staff comments:

Preliminary Staff Findings

- 1. The board must find that the modification will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.**
 - A. The subject property is located within the Myrtle Grove VFD. Applicant has consulted with County Fire Services to assure adequacy of the proposed site design.
 - B. Private water and septic currently serve the site, but applicant has a contract for sewer capacity from Aqua, NC, a private utility provider.
 - C. All utilities will be underground.
 - D. A county stormwater plan is required. The existing permit predates the 25% impervious rule. The proposed site plan includes pervious paving material for a portion of the parking and drivable areas in order to minimize impervious impacts.
 - E. The subject property is located in a 100-year floodplain VE zone.

- F. The site is located in a Primary Nursery Area.
- G. The site is located in SA shellfishing waters.
- H. The County's Conservation Overlay District zoning provisions have not been applied to this project because the original Special Use approval predates the inclusion of that section of the ordinance.
- I. The site is located in an R-15 Residential Zoning District in the Tucker-Burnett Subdivision, which was platted in 1947.
- J. The site is approximately 2.9 acres in size with 240 feet of waterway frontage just south of Carolina Beach Inlet.
- K. Access to the site is from Silver Ave. and Burnett Road, local streets that deliver traffic to Carolina Beach Road, a major arterial thoroughfare.

2. The Board must find that the modification meets all required conditions and specifications of the zoning ordinance.

- A. A marina requires a special use permit and approved site-specific site plan to operate in a residential district.
- B. A Special Use Permit was issued in 1971 for expansion of an existing marina. The original site plan has been altered by administrative approvals over a long period of time. The current valid site plan was administratively approved in September of 2005. The overall scope of the approved marina operation includes 41 boat parking spaces, a clubhouse, a boat ramp and two piers. The marina operation covers approximately half of the dry land area of the site, in accordance with the original site plan where a fence separated the residential use from the marina use.
- C. This requested modification proposes several changes to the approved site plan, including: utilization of the entire property for the marina operation; storage of up to 200 boats in a dry stack storage facility; elimination of the boat ramp; combination of the two piers shown on the September 2005 plan into one pier 24' wide with 60' wide flare; one 8' wide parallel pedestrian walkway; expanded floating "T" pier to overall total 145' all on the location of the existing pier; and shifting of the clubhouse northward as well as adding a 10-foot covered deck on two sides of the structure.
- D. The proposed location of the storage facility and clubhouse is in a Special Flood Hazard Velocity zone, and must meet the elevation requirements set out in the flood code for such structures. No enclosures are allowed below flood elevation except under standards specified in the flood ordinance. The proposal leaves a minimum setback of 10 feet (and up to 20 feet) from the Tucker-Burnett Subdivision homeowners' common lot.
- E. Maximum height in a VE flood hazard area is 44 feet. Proposed height of the boat storage facility is 40 feet.
- F. The proposed location of the storage facility is set back 2.75 times the height from the abutting residential property along the south side property line.
- G. A CAMA major permit will be required from the Division of Coastal Management for these modifications.
- H. According to the Major Permits Coordinator for Coastal Management, the applicant's prior dredging proposal received objection from Marine Fisheries because of the primary nursery area impacts. A variance from DMF would be required in order to

dredge for the boat ramp. The applicant wishes to eliminate the ramp and expand the width of the existing pier in order to utilize a forklift for dropping of boats rather than launching from shore; thereby improving the environmental sensitivity of the marina design.

- I. Automobile parking must meet the requirements of the current zoning ordinance for the combined range of uses of the property. A total of 70 spaces is shown on the proposed site plan. County Zoning Official has determined that the number is adequate for the range and intensity of uses shown on the proposed site plan.
- J. Buffering must meet the requirements of the current ordinance. A 30 ft. vegetated buffer is proposed on the south side of the project, exceeding the requirements of the ordinance.
- K. Night lighting must be contained on site per the ordinance. No lighting plan has been included at this time.
- L. Existing stormwater permit must be reviewed to consider and approve proposed changes.

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

- A. Marinas in Residential zoning districts require special use permits in order to evaluate and mitigate negative impacts on surrounding residential quality of life.
- B. The applicant intends to deliver boats to the water via a forklift. The use of a forklift was authorized by the Board of Adjustment in January, 2007 (ZBA-793)
- C. Widening the pier structure will facilitate use of a forklift to deliver boats to the water.
- D. Delivery of boats to the water via forklift is usually associated with dry stack storage of boats. Stacked storage of boats, on any sort of racks or structures, is not part of the approved site plan for S-13 (1971). Therefore, the applicant wishes to expand the permit to include approval of dry stack storage of boats for up to 200 boats in an enclosed structure 120 ft. X 290 ft X 40 feet high.
- E. The Tucker-Burnett Subdivision common lot for neighborhood water access is adjacent to the north of the subject property (Lot 8 Blk 2 Tucker-Burnett S/D dedicated and set aside as a “park, playground or beach for use by the owners of property in said subdivision” DB409, P273 in January of 1948). Streets otherwise border the property on the north and west. One abutting residential lot is located on the south property boundary.
- F. Boating is not a public necessity, but increased public access to the water is an important goal in coastal counties.

4. The Board must find that the location and character of the use if modified 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 New Hanover County Comprehensive Plan classifies the site as Conservation. 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. Water-dependent uses are appropriate.

- B. With limited exceptions, the 2006 CAMA Land Use Plan prohibits dredging in a primary nursery areas and open shellfishing waters; therefore, removal of the boat ramp would be in harmony with the area and consistent with the land use plan.
- C. The immediate surrounding area is populated with residential uses.

Staff Comments:

1. If approved, the modification order should clearly specify all conditions, clarifications, and references to the current and valid site plan. Such action should state that it supersedes and vacates all prior plans and conditions. The new order and site plan would then become the only valid county authorization associated with S-13. Since the history of this project has been contentious and speculatively debated through the years, staff feels that clearly establishing the details of approval would be an important step to resolve matters and create predictability for all parties.
2. Acknowledgement of all conditions should be added to the notes of the site plan.

Dave Adams asked if the Board of Adjustment's ruling permitting the use of a forklift bound the Planning Board's recommendation of the proposed site plan.

Chris O'Keefe stated that the Board of Adjustment's decision does not bind the Planning Board.

Matt Nichols an attorney with Shanklin and Nichols, representing the applicant Tim Ward stated that in February 2008 the Planning Board heard a proposal to modify the approved site plan but recommended denial because it wanted to see the entire plan. Mr. Nichols stated that he will submit the entire plan to the Planning Board tonight. Mr. Nichols added that the Coastal Resources Commission upheld the issuance of a CAMA major permit for the September 2005 approved site plan.

Tim Ward, owner of Carolina Marina and Yacht Club, explained that he is requesting modifications to the existing special use permit so that he may operate a viable commercial marina and provide much needed water access to the area while reducing impacts to the surrounding neighborhood.

Mr. Ward showed a power point presentation and outlined the following key elements to his proposal: removal of the boat ramp and addition of a forklift pier; decrease the amount of floating docks from 445 to 145 linear feet; relocate private clubhouse to allow for forklift path; construct enclosed dry stack storage; complete removal of repair facilities from site plan; and maintain impervious surface ratio.

Mr. Ward also explained that the Board of Adjustment ruled to permit the use of marine forklifts to bring boats to and from the water. Mr. Ward added that he will utilize residential sound packages to minimize forklift muffler noise and use strobe lights instead of back-up alarms. Mr. Ward showed sketches of dry storage buildings that he was considering purchasing which hold a high wind rating and comply with County regulations which require that operational noise, light, and dust be confined to the dry stack facility. Mr. Ward stated that the dry storage building he is considering has an attractive façade and would be in harmony with the neighborhood's character per the County's regulations. Mr. Ward showed photos of adjacent properties to illustrate the neighborhood's character and stated that he has satisfied the 2.75 x building height setback requirement.

Bill Raney an attorney with Wessel & Raney representing Violet and David Ward distributed written materials to the Planning Board and referred to the exhibits during his presentation. Mr. Raney reminded the Planning Board that they recommended denial of Tim Ward's proposal only two months ago and stated that this month's plan is significantly worse for the neighborhood. Mr. Raney compared the size of the proposed dry storage building (290 feet long) to a well-known dry storage facility called Marine Max (200 feet long) in Wrightsville Beach. Mr. Raney stated that the plan which CAMA approved a major permit for resembles no likeness to what is currently being proposed. Mr. Raney pointed to the materials he distributed to illustrate the shallow water depths.

Mr. Raney stated that the plan should be denied because the proposal does not meet the standards required of a special use permit and argued that the proposal provides insufficient site plan detail; it will endanger the health and safety of the public; harm water quality; and is not in harmony with the neighborhood.

Mr. Raney stated that the proposal does not adhere to county zoning ordinance requirements including failure to meet minimum setbacks and parking standards as well as increased infringement into conservation overlay district. Mr. Raney argued that the proposed clubhouse which was grandfathered in should not be allowed to expand based on the virtue of vested rights.

Matt Nichols rebutted Mr. Raney's assertion that the water depths are too shallow, stating that a judge found the water depths to be adequate. Mr. Nichols cited additional agencies which had no objections to the issuance of the CAMA major permit and found the site plan to be consistent with the CAMA Plan.

Tim Ward stated during the rebuttal period that the clubhouse will be a private facility for members of Carolina Marina Yacht Club. Mr. Ward rebutted the assertion that there would be five times an impact to the neighborhood if a dry storage facility were established stating evidence to support that dry stack storage facilities generate only a quarter of their total customers even during peak periods. Mr. Ward added that when Special Use Permit 13 was approved in 1971, it encompassed lots 1, 2, 3, and 4 or all of the land.

Ken Shanklin stated in the rebuttal that they have addressed all of the issues raised by the opposition through various site revisions. Mr. Shanklin added that if the County Commissioners did not want marinas in residential areas then they would have removed it from the ordinance.

Bill Raney stated during the rebuttal period that the Coastal Resources Commission (CRC) approved only a floating dock and none of the other site plan elements. Mr. Raney reminded the Planning Board to evaluate if the four standards required of a special use permit are being met through this proposal.

David Ward neighborhood resident spoke in opposition to the proposal stating several errors in the applicant's plan. Mr. Ward contended that the State mistakenly issued the applicant a CAMA permit; the applicant's facility does not constitute a marina because it lacks the requisite ten wet slips. Mr. Ward stated that the S-13 site plan has always indicated and been interpreted that the front of the property would be used for residential purposes. Mr. Ward added that a marine forklift weighs approximately 80,000 pounds and will shake the homes in the neighborhood.

Tony McLamb a real estate appraiser stated that the proposal would reduce the value of the homes in the neighborhood basing his opinion on a comparison between Inlet Point Harbor which does not have a dry storage facility and Inlet Watch which does have a dry storage facility. Mr. McLamb stated that homes sell for \$200,000 less at Inlet Watch and he believes it is because of the dry storage facility. Mr. McLamb added that such a commercial type facility will generate traffic both morning and night that will disturb the neighborhood.

Ken Wrangell asked if Silver Avenue, which separates a section of the property from the adjacent lot to the north, affects the setback formula (2.75 x proposed building height).

Staff stated that the adjacent lot to the north was deeded to the residents of the Tucker-Burnett subdivision residents for recreational purposes and that staff felt that the common lot created a separation similar to a street thus the setback formula did not apply. Staff added that it was at the Planning Board's discretion whether they wanted to maintain this interpretation.

Richard Collier asked staff what specific types of items would be required inside the buffer area on the southern property boundary.

Ann Hines, Chief Zoning Officer for New Hanover County stated that in the absence of special conditions proscribed to the special use permit, section 67 of the zoning ordinance requires a three row buffer, with a minimum height of six feet and a minimum width of 20 feet. Ms. Hines added that one row could be a fence and the other two rows be made of plantings or all three rows could be plantings as long as the buffer created opacity.

Richard Collier asked if the proposed buffering along the northern property boundary was adequate.

Ann Hines stated that because the northern property boundary abuts two distinct features, (a right of way and a common lot) the buffer requirements vary. Ms. Hines explained that a shallow streetyard would be along the length of the property abutting Silver Avenue and no buffer would be required along the property line abutting the common lot. Ms. Hines stated that the Planning Board can impose any extra buffer requirements as they see fit associated with the special use permit.

Richard Collier asked if forklifts equipped with strobe lights instead of back-up alarms were permissible.

Ann Hines stated that she would defer to the Occupational Safety and Health Administration (OSHA) to make that determination.

Richard Collier asked if the code regulated the hours of operation for a clubhouse and a forklift.

Chris O'Keefe stated that the code does not regulate the hours of operation but added that the petitioner had a time frame in mind.

Tim Ward stated that during the winter the marina would be open between 8:00 a.m. and 6:00 p.m. and during the summer 7:00 a.m. and 7:00 p.m. Mr. Ward added that he envisioned the clubhouse open until approximately 9:00 p.m. or 10:00 p.m. Mr. Ward stated that he spoke to the NC Occupational Safety and Health Administration (OSHA) and they stated that manufacturers must have any modifications such as strobe lights approved by OSHA before going to market.

Richard Collier asked the petitioner if boat repair would be performed on site and what type of screening he proposed on the southern property line.

Tim Ward stated that there would not be any on-site boat repair because the land is too valuable for such a use. Mr. Ward asked for the ability to help get a member's boat started if such an event arose. Mr. Ward stated that he is willing to increase the buffer to 40 feet if necessary and will work with County staff to achieve the necessary buffer to satisfy all parties.

Tim Burris with Roof and Rack Dry Storage stated that planting tall Cypress trees would provide a simple solution to buffering the building.

Richard Collier wondered if CAMA would issue a permit given the new modifications to the proposed site plan including lengthening and widening of the floating dock to accommodate a forklift operation. Mr. Collier asked if a formal submission had been made for the new proposal.

Tim Ward stated that he met with CAMA and Army Corp of Engineer officials to review the proposed dock and received verbal affirmation for his proposal based on a similar

dock at the Watermark marina. Mr. Ward stated that they have not yet formally submitted their new proposal to CAMA because approval of this special use permit is required first. Mr. Ward added that an official from the Division of Marine Fisheries stated in an email that he would have no objections to the proposal so long as the boat ramp was removed as well.

Richard Collier asked staff for their position regarding the encroachment of the dry storage facility building and clubhouse into the conservation overlay district area.

Chris O'Keefe stated that staff feels that because the special use permit predates the advent of the conservation overlay district and historically S-13 was not required to conform to the conservation overlay district throughout its progression, it should not be applied now.

Richard Collier asked staff to comment on the residential designation indicated on the 1971 and 2005 site plans and whether that area could be used for commercial purposes.

Chris O'Keefe stated that this site plan should be treated as a completely new submission.

Dave Adams stated that the old site plan should either be counted on all matters or not at all; that the conservation overlay district and residential demarcation both must be considered or both not at all. Dr. Adams stated that the AEC setback and COD setback should be abided by and if they are not met then that would be grounds for denial. Dr. Adams added that most people would agree that the current proposal is so vastly different than the one approved in 1971 that the new proposal should have to adhere to the existing laws.

Several Board members asked staff whether the proposal met the conservation overlay district setback requirements.

Chris O'Keefe explained that the project meets the conservation overlay district setbacks because it was approved prior to the establishment of conservation overlay district and then administratively approved in 2005.

Richard Collier stated that he believes the 30 foot undisturbed building setback that the AEC requires has been met. Mr. Collier added that he too feels that one cannot pick and choose what elements can and cannot be applied to the plan but will abide by staff's determination that the project meets County COD setbacks.

Ken Wrangell asked Tim Ward if he had an appraiser to rebut the opposition's testimony that the project will diminish property value.

Gene Merritt a real estate appraiser with GMC Real Estate stated that he could not find any significant evidence to support the assertion that property values along Burnett Road would be diminished by the establishment of a marina and dry storage facility; in his opinion property values would not be diminished by the interjection of the proposed

facility. Mr. Merritt stated that there is strong development interest surrounding the Watermark Marina which has a large pier and dry storage facility. Mr. Merritt acknowledged that many residents including those near the Bradley Creek marina as well as the residents surrounding Burnett Road oppose the establishment of a marina in their neighborhood.

Sue Hayes stated that the size of the proposed dry storage facility is the size of a football field and is not in harmony with the area. Ms. Hayes felt that no amount of buffer would make the building appropriate for the area.

Melissa Gott inquired if the sketch that was shown was to be exactly what is to be built.

Tim Ward responded that the sketching is an example of the type of building he would like to construct except for the office space on the end of the building.

Dave Adams liked the idea of using Leyland Cypress trees for buffering but stated that few trees could fit within the 10 foot setback area. Dr. Adams also stated that he like the design of the clubhouse.

Tim Ward stated that he might be able to increase the setback to 20 feet but added that the area where people would utilize for recreation (the beach) is 100 feet away from the dry storage building. Mr. Ward stated that the clubhouse, which would be the nearest structure to the beach area, will be designed by an architect who specializes in coastal residences.

Ken Wrangell asked if the petitioner could borrow buffer from the southern property boundary to add to the northern property boundary.

Tim Ward replied no because of the setback formula (2.75 x proposed building height).

Melissa Gott asked Tim Ward if the dry storage building could be built lower to accommodate the setbacks.

Tim Ward stated that the building needed to remain 40 feet tall to make the project economically feasible.

Sue Hayes made a motion to recommend denial of the project. Jay Williams seconded the motion.

Three Planning Board members voted to recommend denial of the project (Hayes, Williams, and Adams) and three Planning Board members (Gott, Collier, Wrangell) voted against recommending denial.

Kemp Burpeau, New Hanover County Assistant Attorney suggested that Planning Board members make individual statements indicating their position on the proposal, stipulate

any conditions associated with a recommendation; state the reasons for supporting or denying the project; and indicate what findings of fact were or were not met.

Ken Wrangell stated that the following conditions would have to be met in order for him to recommend approval of the project:

1. Identify specific hours of operation for the marina and most importantly, for the clubhouse. The hours must be suitable for a residential community;
2. Put a better buffer in the northern 10' area. Make northern buffer deeper if possible. It doesn't meet the separation rule;
3. If OSHA approves, require strobe lights rather than backup alarm on forktruck;
4. No boat repair is to be permitted on site (other than quick-fix to help someone on their way);
5. Members may only use clubhouse to "drive and dine" but the general public may "boat and dine";
6. Mr. Wrangell was concerned about the dangers of dropping boats in close proximity to the inlet and in an area without a "no wake" zone. Mr. Wrangell stated that efforts must be made to reduce the risk to people on the dock entering and exiting their boats as well as swimmers.

Richard Collier stated that the following conditions would have to be met in order for him to recommend approval of the project:

1. Marina hours for forklift operation should be from 8:00 a.m. until 6:00 p.m during the winter and from 7:00 a.m. until 7:00 p.m during the summer. Mr. Collier stated that the clubhouse must close by 9:00 p.m;
2. A new fence must be erected in place of the chain link fence along the northern boundary; it should be buffered as much as possible;
3. The 5 foot "bump-out" must be removed on the north side of the building for new building dimensions of 115' X 290' to provide a little more buffer along the northern boundary;
4. The 30-foot southern buffer must be opaque and can be either vegetative or fencing and the adjacent neighbor should get the best view (which is not the backside of the fence). Mr. Collier stated he does not see giving up the 20 feet between the building and parking as a positive or negative. Mr. Collier also stated that a building of this size cannot be shaded or hidden but that the petitioner has done as well as can be done ascetically if the design shown is followed;
5. Use strobe light alarm and residential sound package on the forklift;
6. CAMA must approve of the changes;
7. Definitive statement on removal of ramp. There's no going back on that.

Melissa Gott Johnson concurred with the conditions outlined by Wrangell and Collier and had nothing more to add.

Jay Williams provided the following reasons for objecting to the proposal and recommending denial.

1. Public safety is a big issue because this location is on the waterway. Mr. Williams has a boat at the Masonboro Boatyard and people come in after the marina is closed and can't get their boats out of the water and into the dry stack storage so they tie up their boats overnight. They do it all the time there, but the difference is that people would be tying their boats to a floating dock which is located on the waterway. Mr. Williams fears the hazards/dangers to boaters on the waterway and at the floating docks. Also, fishermen like to go out early and would request that their boat be left out overnight because starting at 8:00 a.m. is too late.
2. There should not be a store or restaurant in the clubhouse because there is not enough dock space for transients to fuel and also have others docking. Clubhouse should be restricted to members and boat owners only.
3. Clubhouse hours should be limited. Should not serve dinner meals but only snacks and lunches during the day. Should be limited to hours the forklift is in operation if allowed.
4. Parking does not seem like enough for 200 boats and 10 employees in a residential area. Even though he understands it meets the minimum requirements, he thinks people will park along the street in the neighborhood.
5. Most significant, Mr. Williams stated that he cannot see putting a building 40 feet high and the size of a football field in a residential neighborhood. Mr. Williams makes a distinction between allowing dry stack in a new development where buyers would know up front if a facility was to be located in their neighborhood versus putting a dry storage facility into an existing neighborhood, after the fact and bringing the nuisance to the neighborhood.

Sue Hayes agreed with Mr. Williams' points, stated that it is an enormous building to be dumping into a residential neighborhood; and would not be in harmony with the neighborhood.

Dave Adams provided the following reasons for objecting to the proposal and recommending denial.

1. Dr. Adams objected mainly on the grounds of intrusion and stated that he would like to see what the northern boundary view would be from the common lot. Even though the dry storage is further back from the

beach than he first perceived, the clubhouse is also there against the northern property line as an intrusion.

2. Dr. Adams would like to see COD lines and the CAMA AEC lines delineated on the plat to see if the buildings intrude or not and to what extent.

Chris O'Keefe asked what Planning Board member was scheduled for the May County Commissioners meeting.

Karyn Crichton stated that David Adams was slated to attend.

Jay Williams announced that the North Carolina Coastal Federation was holding two neighborhood meetings entitled, "Creeks in the Balance" on April 15th and 22nd to discuss the condition of the area's tidal creeks. Mr. Williams encouraged the Planning Board to attend.

Chris O'Keefe gave a brief description and purpose of the meetings.

Jay Williams made a motion to adjourn the meeting. Sue Hayes seconded the motion. The meeting adjourned at 8:10 pm.