

**Minutes of the
New Hanover County Planning Board
March 6, 2008**

The New Hanover County Planning Board met Thursday, March 6, 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
Sandra Spiers, Vice 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
Sharon Huffman, Assistant County Attorney

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

Richard Collier made a motion to approve the February minutes. Sandra Spiers seconded the motion. The Planning Board voted 6-0 to approve the minutes.

Item 1: Rezoning Request (Z-881, 3/08) – Request by Withers & Ravenel for Thomas Clifford Munn Heirs to rezone approximately 2.2 acres located off Gordon Rd (PID R03400-003-007-000) and adjacent to Brierwood Subdivision in the Transition Land Classification from R-15 Residential to R-10 Residential District. The action would increase potential density from 2.5 to 3.3 units per acre.

Jane Daughtridge showed photographs of the property and of the surrounding area. Ms. Daughtridge also provided information pertaining to access, levels of service, and zoning. 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 Transition on the 2006 CAMA Land Classification map. The property is on the westernmost segment of Gordon Road, west of I-40. Gordon Road is a collector road on the thoroughfare plan. Level of service has been rated B along this segment, meaning traffic flow is free and stable.

The subject property is a landlocked parcel and currently a vacant, wooded lot. No street connectivity is available into Brierwood, so access will be through the undeveloped

property to the south which was recently rezoned to R-10. Brierwood Subdivision is also zoned R-10. The Commercial portion of the Murrayville Station Business Park conditional district abuts on the west side.

The subject property is located within the Smith Creek watershed drainage area. The property is not influenced by flood hazard. The site is in a primary or secondary recharge area for the principal aquifers. County water and sewer are in place in the vicinity.

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 lower density R-15 Residential with a maximum of 2.5 units/acre to R-10 Residential with a maximum density of 3.3 units/acre performance. High density projects would require a special use permit. Direct access to Gordon Road would be required before a project could qualify. Rezoning action would result in the following possible density scenarios:

	<u>Units (Performance)</u>	<u>(High Density w/SUP)</u>
R-15	6	23
R-10	7	38

The 2006 Update of the Joint CAMA Plan describes the purpose of the Transition class as providing for future intensive urban development on lands that have been or will be provided with necessary urban services. The location of these areas is based upon land use planning policies requiring optimum efficiency in land utilization and public service delivery.

Following other rezonings in the past year, this is the only remaining R-15 property in this vicinity. Based on the foregoing, this proposal would appear to be consistent with the strategies for the Transition classification. Staff recommends approval.

Sue Hayes asked how the project would be accessed since it is landlocked.

Jane Daughtridge showed the location of an easement on the map and stated that the petitioner would explain the plan for combing lots to provide access.

Cindee Wolf, a landscape architect with Withers and Ravenel representing the Clifford Munn heirs stated that the parcel if rezoned, the lot would be combined with a larger parcel that fronts Gordon Road and likely developed into a performance residential subdivision. Ms. Wolf stated that the parcel is located in a transition area and public

utilities are available including water and sewer. Ms. Wolf also explained that concerns regarding flooding have been addressed through a recent drainage study which showed that wastewater flows southeast and away from the subdivisions located south of Gordon Road.

Ken Wrangell made a motion to recommend approval of the rezoning based on its consistency with the purposes and intent of the Transition land classification and the associated land use policies adopted in the 2006 land use plan; and is reasonable and in the public interest to allow an increase in density from 2.5 units per acre to 3.3 units per acre based on the availability of urban services and adjacency to existing R-10 zoning. Sandra Spiers seconded the motion. The Planning Board voted 7-0 to recommend approval of the rezoning request.

Item 2: Text Amendment (A-370, 3/08) – Request by County Commissioners to evaluate the need to change section 59.9-1 and eliminate State Property on the west side of the Cape Fear River from the eligible area for Riverfront Mixed Use District.

Chris O’Keefe stated that the County Commissioners have requested that the boundaries of the Riverfront Mixed Use District (RFMU) be examined to determine whether the area immediately surrounding the Battleship be removed from RFMU eligibility given the environmentally sensitive nature of the area that includes pristine marsh area and prime fishing and nursery areas. Mr. O’Keefe outlined on the screen the two parcels considered for removal from RFMU eligibility. Mr. O’Keefe thought it was unnecessary to amend the RFMU boundaries and remove the two parcels in question because the state of North Carolina owns the parcels and has no plans for developing them and because environmental evaluation of development plans are built into the RFMU application process. Mr. O’Keefe opened the floor for Board discussion of the amendment.

David Adams questioned if the State is bound by local ordinances anyway and if not, it could develop its property regardless of the zoning.

Jay Williams stated that although the State is not bound by local ordinances, it is required to consider them.

Sue Hayes stated that despite the powers of the State, a statement regarding the importance of preservation would be made by removing the area from RFMU eligibility.

Chris O’Keefe stated that there exists the potential for the State to sell the property in the future; the RFMU allows for review and evaluation of development plans of this sensitive area compared to traditional zoning districts in which development is permitted by right.

Sandra Spiers concurred with Mr. O’Keefe stating that the property would be better protected by the RFMU district than in a traditional B-2 district and a message of preservation would be conveyed through such action.

Sue Hayes asked if there was another zoning measure to protect the area.

Chris O'Keefe stated that the County does not have a conservation zoning district but that he would like one. Mr. O'Keefe stated that the R-20 zoning district was the closest type of district available to the County currently that would provide the most environmental protection.

Sue Hayes suggested sending the County Commissioners a recommendation for the County to adopt a conservation zoning district.

Ken Wrangell stated that the RFMU zoning district could protect the environmental character of the property if the State decided to sell the property in the future. Mr. Wrangell felt that the property should remain in the RFMU district.

Richard Collier asked staff to clarify why the Board was considering removing the property from RFMU district eligibility.

Chris O'Keefe explained that Doug Springer, the Cape Fear Riverkeeper stated at a recent County Commissioner meeting that the State's property was a valuable fishing area and is worthy of extra environmental protection. Mr. O'Keefe stated that the question at hand is whether the RFMU offers more protection to the property than the B-2 zoning district.

Jay Williams asked what the maximum building height allowed in a B-2 district compared to the RFMU district.

Chris O'Keefe stated that height on these parcels would be determined by a floor area ratio calculation and could conceivably be as tall as 10 stories.

Jane Daughtridge stated that the parcels are located in a section of the RFMU district which allows for structures to be built up to 75 feet. Ms. Daughtridge added that if the property was developed into a mixed-use scenario with a residential component, a special use permit would be required and the height would be subject to a floor area ratio calculation.

Jay Williams stated that he felt that the two parcels should remain in the RFMU district because they would be better protected.

Sue Hayes asked what was the allowable building height in a B-2 district.

Jane Daughtridge stated that building height would be limited to 40 feet because the parcels were not eligible for floor area ratio because of its land classification.

Richard Collier stated that he believed that the RFMU district would provide more environmental protection than the B-2 district, despite its permitting more building height.

Jay Williams raised the argument that if the property were to revert back to B-2 zoning and later sold by the State to a private company, a developer would most likely request the property be rezoned to a mixed use with residential and that the Planning Board and County Commissioners could place protective conditions on the property at that time.

Richard Collier agreed with Mr. Williams but felt that the RFMU presently provides the best use and protection for the area.

David Adams made a motion to advise the County Commissioners that after discussion, the Planning Board has found there is insufficient reason to change the County's zoning ordinance to eliminate State Property on the west side of the Cape Fear River from the eligible area for Riverfront Mixed Use District. Sandra Spiers seconded the motion.

The Planning Board voted 7-0 to advise the County Commissioners that there is insufficient reason to change the County's zoning ordinance.

Sue Hayes made a motion to direct Planning Staff to draft a conservation zoning district to preserve environmentally sensitive property. David Adams seconded the motion.

Ken Wrangell asked staff to elaborate on potential situations and the logistical process of imposing a conservation zoning district on property owners.

Chris O'Keefe stated that the current rezoning process would apply which includes an application and public hearings. Mr. O'Keefe added that he could see potential benefits of a conservation zoning district especially for marshy areas that are zoned residential or industrial yet that are unsuitable for development but could be used for walking paths, piers to access the water etc.

Jay Williams suggested that a conservation zoning district could provide property owners with a tax benefit by reducing the total assessed property value.

David Adams stated that land owners could derive economic value from land that is classified environmentally sensitive and therefore protected.

Ken Wrangell added that another benefit of a conservation zoning district could be used to mitigate open space for developers.

Jay Williams added to the motion made by Ms. Hayes that the County Commissioners consider some of the additional benefits of a conservation zoning district proposed by the Planning Board and give some direction.

The Planning Board voted 7-0 to direct Planning Staff to draft a conservation zoning district to preserve environmentally sensitive property and for the County Commissioners to provide feedback regarding the initiative.

Item 3: Text Amendment Section 53.5(7)(C) and (E) – Update on process of fees associated with Planned Developments.

Chris O’Keefe stated that there has been increased interest in the proposal to update the fees associated with planned developments including the effects on potential applicants, revenues, and legalities. Mr. O’Keefe stated that there would be some internal meetings scheduled and then this issue would most likely be brought back at a later date.

There was no Board discussion regarding this item.

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

1. **Coral Ridge** – The TRC voted 4-0 to preliminarily approve the project for 102 units with conditions.
2. **Myrtle Grove Cove** – The TRC voted 4-0 to extend the preliminary validity of the project for one year.
3. **Preserve at The Cape** – The TRC voted 4-0 to deny the project based on insufficient information regarding the approximate location and method of handling stormwater.
4. **Parson’s Mill Farm** – The TRC voted 4-0 to deny the petitioner’s request to designate the roads from public to private. The decision by the TRC was based on the excellent interconnectivity to the north.
5. **Point Harbor Marina** – The TRC voted 3-0 to preliminarily approve the project with conditions.

Mr. Burgess stated that the TRC will meet next on March 12, 2008.

The meeting adjourned at approximately 6:30 p.m.

Chris O’Keefe
Planning Director