

Perquimans County Planning Board

MINUTES

Tuesday, Aug 8, 2017

The Perquimans County Planning Board held its regular monthly meeting on Tuesday, Aug 8, 2017 at 7:00 PM in the Commissioner Meeting Room of the Courthouse Annex Building.

MEMBERS PRESENT: Paul Kahl, Chair
A.O. Roberts, Vice Chair
Brenda Lassiter
A.J. Moore
Lewis Smith

MEMBERS ABSENT: none

OTHERS PRESENT: Frank Heath, County Manager
Sam Barrow, County Planner
Rhonda Money, GIS/Planner
Applicants
Interested Citizens

Chair Paul Kahl called the meeting to order at 7:00 pm and opened with prayer.

Agenda Item I, Approval of Agenda: Mr. Smith made a motion, seconded by Mr. Roberts, to approve the agenda as presented. The motion passed unanimously.

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Agenda Item II, Consent Agenda/Approval of Draft Minutes of Previous Planning Board Meetings: Regular meeting of May 9, 2017. Mr. Moore made a motion, seconded by Ms. Lassiter, to approve the May 9, 2017 Planning Board meeting minutes as presented. The motion passed unanimously.

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Agenda Item III, Business Item A: Annual Election of Chairman and Vice Chairman, pursuant to Article II, Part II, Section 204(a) of the Zoning Ordinance. Mr. Kahl made a motion, seconded by Ms. Lassiter, to nominate Mr. A.J. Moore as Chair. Motion passed unanimously. Ms. Lassiter made a motion, seconded by Mr. Kahl, to nominate Mr. Lewis Smith as Vice Chair. Motion passed unanimously.

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Agenda Item III, Business Item B: Consideration of Conditional Use District No. CUD-17-01, requested by Kos S. Jackson to operate an Automobile Sales Lot at 640 Woodland Church Road (Tax Map No. 4-0043-0028A). Mr. Barrow gave a brief summary reading through his Staff Report highlights. He read all the General Land Use Plan Major Goals & Objectives, Existing & Future Land Use Classifications, and explained what residential agricultural classification is compatible with. He also listed appropriate and inappropriate uses. In the background summary Mr. Barrow explained that the applicant was granted Conditional Use Permit 05-07 to operate an Automobile Sales Business on Jan 3, 2006 for a site on Ocean Highway North. The applicant plans to close his business on that site, downsize inventory, and re-locate to leased office space in an existing building owned by Mr. Phelps. Space used for Mr. Jackson's business would no longer be able to be used for Mr. Phelps' automobile service even after Mr. Jackson ceased his use due to the non-conforming use presently there being replaced by a conforming use. Mr. Smith questioned that if the rezoning passed and Auto Biz stopped operating on the site for some reason, then Mr. Phelps would not be able to use that same space for his own business. Mr. Barrow confirmed. Mr. Smith asked Mickey if he was okay with that and Mr. Phelps nodded yes.

Mr. Kahl asked if we have two different things to vote on; a re-zoning then a Conditional Use Permit? Planner Barrow confirmed.

Ms. Lassiter asked if any conditions need to be put in the Conditional Use Permit regarding parking.

Newly elected Chair Moore, asked the applicant and Mr. Phelps if they had anything they would like to say. Mr. Jackson said he would be happy to answer any questions that Board members had.

Mr. Moore asked Mr. Jackson how many cars he currently had and how many he was planning on having at this new site. Kos Jackson said right now he has 30 at his current location but would like to downsize to 12 and Mickey would like to get it down even more to 5 but he's not sure if that can be profitable.

Mr. Roberts asked if the applicant did internet sales. Mr. Jackson answered, "not right now, but I probably will because of the small number."

Mr. Heath asked how much square footage will be used in the building. 10'x15' maybe Mickey said. Mr. Heath then asked where cars will be parked. Mr. Phelps said they will be on the Woodland Church Road side, not the New Hope Road side; not between the building and the

concrete barriers. Mr. Phelps used the map on the tv screen to point out where the cars will be parked.

Mr. Roberts asked Mr. Phelps if he had any opposition from the neighbors. Mr. Phelps said no and Planner Barrow said the only phone call he received about it was a general inquiry to the posted sign, but the caller was not in opposition to the zoning.

Mr. Roberts made a motion, seconded by Ms. Lassiter, to recommend approval of CUD-17-01(a) to the Board of County Commissioners (BCC) finding that the rezoning will place all property similarly situated in the same category, or in appropriate complementary categories. Motion passed unanimously.

Mr. Kahl made a motion, seconded by Ms. Lassiter, to recommend approval to the BCC finding that there is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group. Motion passed unanimously.

Ms. Lassiter made a motion, seconded by Mr. Roberts, to recommend approval to the BCC finding that there is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. Motion passed unanimously.

Mr. Roberts made a motion, seconded by Mr. Kahl, to recommend approval to the BCC finding that the proposed change is in accord with the Land Use Plan and sound planning principles. Motion passed unanimously.

Ms. Lassiter made a motion, seconded by Mr. Kahl, to recommend to the BCC approval of Rezoning Request CUD 17-01(a), to rezone from RA Rural Agriculture to CR(CUD) Rural Commercial Conditional Use District, the +/- 1.81 acre property located at 640 Woodland Church Road (Tax Parcel 4-0043-0028A), considering Policy Guidelines [Zoning Ordinance Section 1302(A)] to support the motion as stated above. Motion passed unanimously.

Mr. Roberts made a motion, seconded by Ms. Lassiter, to recommend approval of CUD-17-01(b) to the BCC finding that the use will not materially endanger the public health or safety, if located according to the plan submitted and approved. Motion passed unanimously.

Mr. Smith made a motion, seconded by Ms. Lassiter, to recommend approval to the BCC finding that the use meets all required conditions and specifications. Motion passed unanimously.

Mr. Kahl made a motion, seconded by Mr. Roberts, to recommend approval to the BCC finding that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity. Motion passed unanimously.

Mr. Kahl made a motion, seconded by Mr. Smith, to recommend approval to the BCC finding 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 Perquimans County Land Use Plan. Motion passed unanimously.

Mr. Roberts made a motion, seconded by Ms. Lassiter, to recommend to the BCC approval of Conditional Use Permit CUD-17-01(b), to issue Mr. Kos Jackson a Conditional Use Permit to operate an Automobile Sales business on the +/- 1.81 acre lot located at 640 Woodland Church Road (Tax Parcel 4-0043-0028A), adopting Zoning Ordinance Section 903 findings to support the motion as stated above. Motion passed unanimously.

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Agenda Item III, Business Item C: Preliminary Plat Review for Conditional Use District No. CUD 10-01(a) “The Moorings at Albemarle” (Tax Map No. 4-0076-0026). Planner Barrow read over staff report highlights. CAMA Major Permit Number 174-07 for the development of this site is expired due to extenuating unforeseen circumstances. Civil Engineer, Steve Janowski, explained that Mr. Howard Nichols, who had previously worked with the CAMA permit passed away. Now Mr. Janowski is tying up loose ends and needs to discuss the permit further with the developer. Ms. Lassiter asked how long it takes to get a Major CAMA permit. Mr. Janowski responded it could take two 75-day processes. Once they accept your application as complete, it takes 75 days for other agencies to respond to it. Then a 75 day extension could be requested giving you a maximum of 150 days. Typically it takes 60 days from the time you make a complete application that they accept. Mr. Smith asked if he was starting from scratch. Mr. Janowski said part would be, but most of the CAMA permit project is already there.

Mr. Kahl asked about phases. Mr. Janowski explained that the Preliminary Plat and Construction drawings are for 100% of the whole subdivision, but the final plats will be of individual sections that come before you one at a time. Mr. Kahl said the Preliminary Plat gives the okay to start construction moving forward. Mr. Barrow added that the CAMA permit prevents dirt movement in only that area next to shore.

Mr. Barrow summarized further down the staff report to Public Water requirements. Ms. Lassiter questioned the wording “protect the county”.

Mr. Smith asked about the firefighter comment from the Technical Review Committee meeting. Mr. Kahl commented that the water system was designed, engineered and installed for domestic water consumption, not fire fighting.

Mr. Heath commented on "Protect the County" by explaining the County has required cost estimates up-front to get a feel for what kind of bonding will be required. Also we received County Attorney approval on the Moorings' proposed homeowner association documents to be sure a fee schedule will be in place when something in the water or wastewater system needs maintenance.

Ms. Lassiter asked County Manager Heath when a homeowner association (HOA) becomes active in a situation like this. Mr. Janowski said, "Immediately. The developer owns 100 percent and as lots are sold the developer owns less and less interest. So the developer owns most until 51% of the lots are sold.

After further discussion, Mr. Barrow continued down the staff report to Environmental Impact Statement saying there is no need for one due to the multiple other reports, some quite extensive, already presented on this project.

Stormwater improvements--- Staff report page 4, Conditional Use Permit Conditions, (a) 2&3. Mr. Janowski thought he sent us the Stormwater Permit but he'll send it again if necessary.

Mr. Barrow read the water and wastewater highlights. No questions or comments. He brought up roads. Neither Mr. Barrow, nor Mr. Heath had heard any comments from NC DOT yet about the traffic analysis.

The Property Owners Association shall be established prior to approval of the Final Plat and shall be registered/chartered by the Secretary of State with official Articles of Incorporation. In addition, official Bylaws and the organizational/operational structure shall be recorded simultaneous to the Final Plat. We have that item and it is called "Declaration For The Moorings At Albemarle; A Planned Community" by Mr. Hood Ellis.

Mr. Janowski was waiting for the client to bring the \$1,000 check. Ms. Lassiter asked what it was for exactly. Mr. Heath explained that it was to pay back engineers Diehl and Phillips for the report the County asked them to do for this project.

Planner Barrow read Mr. Phillips recommendations from the Diehl & Phillips, P.A. Consulting Engineer's review letter which are as follows:

1) The County obtain confirmation that the STEP systems will be maintained by the licensed operating entity for the wastewater system rather than the homeowner.

2) The County obtain confirmation that flow reduction was granted by Department of Environmental Quality for this development, with the confirmation stating the approved flow rates (in terms of gallons per day per residence or gallons per day per bedroom).

3) The County obtain and review cost estimates for the wastewater treatment and disposal system, the wastewater collection system, the water system, and other planned improvements that may not be completed when the subdivider/developer seeks approval and recordation of the Final Plat. The cost estimates should be prepared by the Design Engineer of each system. Upon acceptance of the estimates by the County, the subdivider/developer should then furnish valid security bonds to the County in the amounts of 1.3 times the accepted cost estimates.

4) When the County reviews the homeowner association (HOA) documents, the County should ensure the documents have the language required by the attached Operational Agreements, including any language the County wishes to add to make it abundantly clear that any costs associated with any future involvement of the County with the subject wastewater system will be entirely borne by the HOA through the HOA's fund reserves and special assessments.

Chair Moore verified that staff recommendations in the Diehl and Phillips reports of water and wastewater review will be required to be completed before Final Plat review.

Mr. Kahl made a motion, seconded by Mr. Roberts, to recommend to the BCC approval of the Preliminary Plat of The Moorings at Albemarle, LLC with conditions as presented contingent upon obtaining favorable comments from NC Department of Transportation regarding the traffic analysis and contingent upon the applicant meeting recommended water and wastewater requirements as stated in the Diehl & Phillips engineering review letters. Motion passed unanimously.

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Agenda Item IV, Other Item A: Chair's signature on approved minutes

Meeting adjourned at 8:13 p.m.

Minutes approved this 10th day of October, 2017.

A. J. Moore
Chairperson

Rhonda Money
Recorder

Attachments: A (Sign In Sheet)
B (Staff Report on CUD-17-01)
C (Staff Report on Preliminary Plat of The Moorings at Albemarle, LLC)