

**TOWN OF ORIENTAL
PLANNING BOARD
June 27, 2006
Minutes**

The regular meeting of the Planning Board was called to order by Chairman, Don Mau, at 7:00 p.m. on Tuesday, June 27, 2006, in the Town Hall, Oriental, NC. Members present in addition to Mr. Mau were Bob Miller, Katy Pugh, Paul Olson and Dee Sage. Town Manager, Wyatt Cutler was present. Also present were Town Board members, Al Herlands, Warren Johnson and Barb Venturi. Fifteen members of the public were in attendance.

Draft number two of minutes for the May 30, 2006, regular meeting were distributed.

MOTION: Mr. Miller moved and Mrs. Sage seconded a motion to accept the minutes as presented. The motion passed unanimously.

Draft of minutes for the June 16, 2006, Special Meeting for the Planning Board/CAMA Land Use Plan Update Committee were distributed.

MOTION: Ms. Pugh moved and Mr. Miller seconded a motion to accept the minutes as presented. The motion passed unanimously.

The June meeting is the annual organizational meeting during which officers are elected.

MOTION: Mr. Miller moved and Mrs. Sage seconded a motion to re-elect Mr. Mau as chairman of the Planning Board for the 2006-2007 term. The motion passed unanimously.

MOTION: Mr. Miller moved and Mr. Olson seconded a motion to re-elect Mrs. Sage as vice-chairman/secretary. Mrs. Sage asked Ms. Pugh if she would be willing to take over secretarial duties. Ms. Pugh offered to assume the responsibilities of secretary after she has had a few months to acquaint herself with the Planning Board. The motion passed unanimously.

Mr. Roy Stefanowski and Mr. Wayne Yetman of Red Mast Ventures, and civil engineer, Mr. Christopher Seamster, of McKim & Creed, presented an application for a special use permit for "Pierce Creek Landing," a 144 condominium development planned on 31.2 acres on White Farm Road.

The developers have refined their plan over the past several months to adjust and scale down their plan as much as economically feasible to reflect concerns of local citizens, including reducing the number of units from 220 to 144, minimizing the visual impact from White Farm Road with landscaping, preserve wetlands making them a natural buffer, and engineering CAMA-acceptable means to manage storm runoff and drainage.

Mr. Miller summarized public concerns with 11 questions. These questions are attached to the minutes. Written responses to these questions are forthcoming and will be attached to the minutes. Short answers are as follows:

1. Water quality in the proposed centrally located 2-acre lake will be managed by a movement mechanism such as a fountain or aerating device, and depth will be 3 to 4 feet deep and maintained to prevent unwanted vegetation growth and to control mosquitoes. Management will be responsible initially and then the home owners association will take over care of this lake.
2. The lake will be constructed at the outset of the project.
3. The landscape will be designed with “spreaders” to direct and filter water through the wetlands to Pierce Creek.
4. The number of docks has not been determined, though it will only be a few to accommodate small boats. A CAMA expert has been consulted to find out what can actually be constructed.
5. The developers will work with the contractor to assure the best possible means to minimize mud and construction debris on White Farm Road.
6. Again the developers will work with the contractor to plan for a tidy construction site.
7. The developers are willing to contribute \$15,000 to develop a pedestrian/bike path that aligns with the one negotiated with the White Horse Landing subdivision across White Farm Road. They will also contribute an additional \$100 per unit sold.
8. The developers will consider attractive, down-cast lighting, but will not compromise residents’ safety.
9. The clubhouse and swimming pool are planned to be built during the second phase.
10. There will be extensive landscaping along White Farm Road and they will explore the possibility of retaining some of the pine trees and live oaks.
11. It would not be economically feasible to reduce the density further.

Answers to other questions included:

1. Eave height needs to be corrected on the application from 37 feet to 32 feet.
2. Roads will be built to State DOT “private” road standards.
3. This project would not have resort rentals.
4. The Town’s attorney will be asked if a sales office would be allowed in the clubhouse.
5. Total wetlands (unbuildable areas) include 11.1 acres.
6. The developers do not own any of the adjacent property.
7. Fire Department consultation will be required.

The application appears to meet all GMO requirements.

MOTION: Mrs. Sage moved and Mr. Olson seconded a motion to recommend to the Town Board granting a special use permit to construct the Pierce Creek Landing project and to set the required public hearing pending answering in writing the 11 questions asked by Mr. Miller and a written opinion from the local fire department on its ability to protect the project.

The motion passed with Mr. Mau, Mr. Olson, Ms. Pugh and Mrs. Sage voting for and Mr. Miller voting against.

Mr. Donald Staub submitted an application to move the rear section of the existing structure at 513 Broad Street to the rear of the property, elevate said structure and convert it to commercial use as a brewery and the "All Nations Brewpub."

His property is located in MU-1, which has a wide range of permissible uses. However, a brewery and brewpub are not specifically listed in the Table of Permissible Uses.

Mrs. Sage suggested that the application was actually two separate requests, one (relocating the building) requiring a land use permit, and the other (changing a residential structure to a business) requiring a special use permit.

Mrs. Sage also requested that the Planning Board decide where in the Table of Permissible Uses this establishment would fall in order to determine the parking requirements.

The number of people who might be in the "beer garden" could not be determined.

The Planning Board requested that Mr. Cutler ask the Town's attorney for an opinion on where a brewpub might fall in the Table of Permissible Uses.

MOTION: Mr. Miller moved and Mr. Olson seconded a motion to approve the application for a land use permit to move the structure. The motion passed unanimously.

MOTION: Mr. Miller moved and Ms. Pugh seconded a motion to recommend to the Town Board consideration of a special use permit for the "All Nations Brewpub" building to change uses from residential to business, to waive the \$25 fee for the land use permit to move the structure, and to schedule the required public hearing. Mr. Staub is to supply a clear written description of how the brewpub and beer garden would operate. The motion passed unanimously.

The next door neighbor to the proposed brewpub submitted a letter outlining his concerns about an establishment of this nature being located where it is. He was encouraged to participate in the public hearing of which he will be notified by mail.

Mr. McIlhenny submitted an application for a land use permit to convert a dry storage room into a 1 bedroom condo-hotel unit. He demonstrated that there would not be a parking problem by showing a history of shared and cross-utilized parking and occupancy percentages.

MOTION: Mr. Olson moved and Mr. Miller seconded a motion to approve a land use permit to convert this storage area into a rental unit. The motion passed unanimously.

Though there would not be any conflict of interest pursuant to N.C. G.S. 160A-381(d), Mrs. Sage asked to be excused from discussion of the application to convert the house at 501 First Avenue from residential to a B&B because her husband may be involved in the sales transaction for this property.

MOTION: Mr. Olson moved and Mr. Miller seconded a motion to excuse Mrs. Sage. The motion passed with all other board members voting yes.

The Planning Board reviewed Mr. Robert Kruger's application for a special use permit to convert the house at 501 First Avenue from residential to Bed and Breakfast.

MOTION: Mr. Miller moved and Ms. Pugh seconded a motion to recommend to the Town Board consideration of a special use permit to convert a residence at 501 First Avenue to a Bed and Breakfast and to schedule the required public hearing with the condition that Mr. Kruger answer the following questions:

1. Will this be the permanent residence of the owner or manager?
2. What material will be used for the parking lot surface?
3. Does the proposed parking meet CAMA regulations?
4. Could he provide a drawing with landscaping that shows that parking areas comply with Section 202 of the GMO?

The motion passed with four in favor and Mrs. Sage excused.

Planning Board review of applications for land use permits requires a single member to sign off on applications. Mr. Cutler contacts members according to office, then seniority. To allow new members opportunity to learn the process, for the near future, all members will be contacted when land use applications have been submitted.

Mr. Miller presented a proposal to modify section 182 of the GMO by restricting multi-unit density. His proposal is attached.

Consensus was reached that the Planning Board should discuss adjustment of the density requirements in the GMO.

No formal action was taken. Mr. Miller will prepare tables that reflect the above and have the information available for members to review before the next meeting.

At the last Town Board meeting the Planning Board requested that the two boards meet jointly to discuss the proposed "Waterfront Overlay District." No action was taken by the Town Board at their meeting. Commissioners present at this Planning Board meeting suggested that Planning Board members attend the Town Board's agenda meeting on July 6th at 4:30 p.m., to schedule a time for a joint meeting to discuss overlay districts.

Mr. Mau reported that the CAMA Land Use Update committee met June 16th and revised the first 10 pages of the document. A meeting is scheduled for 9:00 a.m., Friday, July 14, at Town Hall to discuss the tables.

Mrs. Sage will e-mail to Planning Board members an overview she prepared on the "Changing Waterfronts" conference held in New Bern on June 5th.

Discussion about a definition for “lowest adjacent grade” will be postponed to a later meeting. Mrs. Sage will provide new Planning Board members with example definitions that the town’s attorney suggested several months ago.

Lee Padrick from the Division of Community Assistance has prepared changes to the GMO to bring it into compliance with new state regulations. Mrs. Sage will review the document before a public hearing is scheduled.

Review of Land Use Permits Issued:

1. John M. Griffin, 1103 Neuse Drive, Storage unit 12’ X 20”.
2. Robert Stacy Keller, Lot #3 Emma’s Corner, Church & Midyette Streets – single family residence and detached garage.
3. Oriental Harbor Development, 518 Water Street – 12 square foot bathroom behind the Oriental Harbor Deli.

MOTION: Mr. Miller moved and Mr. Olson seconded a motion to adjourn. The motion passed unanimously and the chairman adjourned the meeting at 9:30 p.m.

Don Mau, Chairman

Dee Sage, Vice Chairman/Secretary