

**TOWN OF ORIENTAL
PLANNING BOARD
January 25, 2006
Minutes**

The regular meeting of the Planning Board was called to order by Chairman, Don Mau, at 7:00 p.m. on Wednesday, January 25, 2006, in the Town Hall, Oriental, NC. Members present in addition to Mr. Mau were: George Duffie, Grace Evans, Bob Miller and Dee Sage. Also present were: Town Board members, Candy Bohmert, Al Herlands and Warren Johnson; Town Manager, Wyatt Cutler; and Town Attorney, Scott Davis. Guests present were Fire Department members Alan Arnfast and Charlie Garrett. Sixteen members of the public were in attendance.

Drafts of minutes for the December 29, 2005, regular meeting and January 13, 2006, Special meeting were distributed.

MOTION: Ms. Evans noted several typographical errors in the December 29, 2005, draft. Mrs. Evans moved and Mr. Miller seconded a motion to accept the minutes as corrected. The motion passed unanimously.

MOTION: Mr. Miller moved and Mrs. Evans seconded a motion to accept the January 13, 2006, minutes as presented. The motion passed unanimously.

Mrs. Sage summarized an article on conflict of interest written by UNC-Chapel Hill Institute of Government professor, Dr. David W. Owens. Copies of this article will be given to Planning Board members. Mr. Davis added that if a conflict is determined, the board's chairman and/or board members, can excuse the board member from voting. If the individual is not excused, then his/her vote is counted as a yes. He advised that if one were uncomfortable about a position, disclose it.

The attorney for the Oriental Harbor Marina, Paul Creech, reviewed the history and current parking situation at the Oriental Harbor Marina. In a letter with attachments sent to Town Attorney, Scott Davis, Mr. Creech spelled out his client's position, which concluded that only 70 spaces were required by the GMO and the existing 74 spaces were adequate. This document is attached to the minutes. Mr. Davis concluded that 79 spaces were required by his interpretation of the GMO. However, he explained that with some of the slips being for transient boaters (who would have little need for vehicular parking), cross-utilization of the facilities by boat slip owners, and the fact that the Harbor Club was a social club and not a restaurant, placed doubt that strict interpretation of the parking requirements was necessary. If a sufficient number of parking spaces can be attributed to cross-utilization, then strict interpretation of GMO parking requirements need not be followed. In this case, he estimated approximately 6% cross-utilization.

Ms. Evans expressed a number of concerns about interpretation of the parking requirements and observations she made about the construction of new slips at the Oriental Harbor Marina.

MOTION: Mr. Miller moved and Mr. Duffie seconded a motion that the Planning Board approve 74 parking spaces based on "Exhibit A" attached to Mr. Creech's letter, with the 4 additional

existing spaces assigned to the Harbor Club. Mr. Duffie, Mr. Mau, Mr. Miller and Mrs. Sage voted for the motion. Ms. Evans abstained. (An abstention is counted as a yes vote.)

The Planning Board came to a consensus that the Harbor Club is not a restaurant.

Fire Department representatives, Alan Arnfast and Charlie Garrett, expressed their concerns and observations about ladder utilization during a fire or medical emergency. The Planning Board recognized the need to clarify “adjacent grade” so that developers and builders could have a better understanding of fire and emergency safety needs.

MOTION: Mr. Miller moved and Mr. Duffie seconded a motion to recommend to the Town Board changing Section 185 (2) to read as follows:

- 1) The height of the main roof eave (the projecting overhang at the lower edge of a roof), excluding dormers, of any building shall not exceed 32 feet above the ~~highest~~ lowest adjacent grade and no exterior wall of a building without an eave shall exceed 32 feet above the ~~highest~~ lowest adjacent grade. The level of lowest adjacent grade shall be measured from a point which is plumb to the edge of the eave extending ten (10) feet out.

The motion passed unanimously.

In consideration of adding safety education into the process of obtaining building permits, the Planning Board would like to require consultation among builders/developers and safety personnel if there is a question that a proposed project might not accommodate current safety equipment/personnel capabilities.

MOTION: Mr. Miller moved and Ms. Evans seconded a motion to recommend to the Town Board changing Section 54 as follows:

- (1) To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this chapter, pre-application consultation between the developer, the administrator and the Planning Board is encouraged. Applicants for a special use permit are encouraged to arrange a pre-application consultation at least 10 days prior to the application deadline.
- (2) To assure applicants' understanding of fire and emergency departments' limitations, a consultation with the Fire Marshall/Emergency Management Coordinator or his designated agent and the local Fire Chief may be required by the Land Use Administrator or a Planning Board member.

The motion passed unanimously.

Recognizing that the building height issue has been a painful and divisive topic for two years, Mr. Mau challenged the Board to reach a consensus on how best to approach the Town Board's request to “revisit” the issue.

Commissioner, Al Herlands, provided some suggestions to changing Section 185 by lowering height limitations and adding some flexibility whereby the Town Board could consider slightly higher limits with certain conditions.

Mr. Mau suggested that rather than a town-wide issue, perhaps three areas in town are sensitive to height concerns: (1) the harbor area around Raccoon Creek; (2) the “Old Village;” and, (3) the HWY 55 entrance corridor.

Mr. Miller proposed lowering heights, tying setback requirements to height and indexing height to County standards, not sea level or adjacent grade. His proposal will be made available to Commissioners at the public hearing set for February 7, 2006.

Other possibilities discussed included: not considering height as an isolated issue; creating overlay districts; creating unintended consequences to small lots; creating more impervious surface by not allowing buildings to support parking underneath; considering that change is not necessary; limiting an increase to square footage of rebuilt structures; and, considering the significance of elevating land before construction begins.

MOTION: Mrs. Sage moved and Ms. Evans seconded a motion to ask the Town Board to (1) begin the process of creating overlay districts for the harbor area around Raccoon Creek, the “Old Village” and the HWY 55 entrance corridor; and, (2) create building standards appropriate for each overlay district. Discussion to place a time limit on the process followed.

The motion failed with Mr. Mau and Mrs. Sage voting for and Mr. Duffie, Ms. Evans and Mr. Miller voting against.

MOTION: Mrs. Sage moved and Mr. Duffie seconded a motion to ask the Town Board to (1) begin the process of creating overlay districts for the harbor area around Raccoon Creek, the “Old Village” and the HWY 55 entranceway corridor, and, (2) create building standards appropriate for each overlay district. Recommendations are to be finalized within a ninety (90) day time period.

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

MOTION: Ms. Evans moved to recommend that the Town Board draft a moratorium based on Mr. Miller’s passed motion of 12/29/05. The motion died for lack of a second.

MOTION: Mrs. Sage moved and Mr. Miller seconded a motion to recommend to the Town Board to change section 160 of the GMO as follows:

5) The developer/owner of a proposed multi-unit project shall have an informational meeting with property owners whose property is within three hundred (300) feet of the property line of a proposed multi-unit project. ~~notify all property owners within three hundred (300) feet of the proposed project as reflected on the current Pamlico County tax roles.~~ The notification of this meeting shall take place prior to submitting an application to the town for a special use permit and shall include a brief description of the project, ~~and include~~ the date, time, and location of the

~~meeting~~ that an informal informational meeting will be held. The notice shall be sent by first class mail a minimum of ten (10) days prior to the meeting.

The motion passed unanimously.

Mr. Davis explained that the purpose of special and conditional use permits is to require an extra layer of scrutiny. Special use permits and conditional use permits are the same.

Discussion of parking standards for shopping centers, changing parking requirements for motels/hotels/B & B's, changing parking requirements in Section 196 and adding private clubs to Section 146 will be deferred to a later meeting. Also, discussion of window signs and signs for multiple businesses located in one office will be deferred to a later meeting.

MOTION: Mr. Mau moved and Ms. Evans seconded a motion to recommend to the Town Board to move "Chapter M-Oriental Trees" from the General Ordinances to the GMO. The motion passed unanimously.

Discussion of office condos, PRD's and PUD's will be deferred to a later meeting. Mrs. Sage requested that Planning Board members look at the County's section on "cluster" building.

Mrs. Sage will provide information from UNC-CH's Institute of Government on state zoning and subdivision regulation changes. A special meeting may be necessary to address these changes.

MOTION: Mrs. Sage moved and Ms. Evans seconded a motion to request that the Town Board change "Appendix A" on Subdivisions in the GMO to reflect state mandatory language:

4. The certificate of the Notary shall read as follows:
County Pamlico

North Carolina

I, _____, a Notary Public of the County and State aforesaid, certify that _____ a registered land surveyor, personally known to me or identified by satisfactory evidence, personally appeared before me this day and acknowledged the voluntary execution of the foregoing instrument for the purposes therein expressed. Witness my hand and official stamp or seal, this _____ day of _____ 20_____.

Seal/Stamp
Notary Public

The motion passed unanimously.

Mrs. Sage reported that Commissioner Venturi, Mr. Cutler, and she met with Mr. Lee Padrick and Ms. Susan Suggs of the Division of Community Assistance. Mr. Pedrick and Ms. Suggs had some ideas of how to help the town and gave some additional resources for follow-up until they can get involved.

Review of permits issued was postponed.

MOTION: Mrs. Sage moved and Mr. Duffie seconded a motion to continue this meeting on Friday, February 24, 2006, 9:00 a.m., at Town Hall. The motion passed unanimously and Mr. Mau concluded this session of the meeting at 10:15 p.m.

**TOWN OF ORIENTAL
PLANNING BOARD
Continuation of January 25, 2006 Meeting
February 23, 2006
Minutes**

The continuation of the Planning Board's January 25, 2006, meeting was called to order by Chairman, Don Mau, at 9:05 a.m. on Friday, February 23, 2006, in the Town Hall, Oriental, NC. Members present in addition to the Chairman were George Duffie, Grace Evans, Bob Miller and Dee Sage. Also present were Town Board members Al Herlands, Nancy Inger, Warren Johnson and Barb Venturi, and Town Manager, Wyatt Cutler and Land Use Administrator, George Gilgo,

Copies of the County's draft for a proposed condominium ordinance were distributed for Planning Board members to review.

Planning Board members affirmed that the recommendation to require builders/developers to consult fire and safety officials when submitting plans for a land use or special use permit would be determined by the Land Use Administrator or a Planning Board member on a case-by-case basis.

Ms. Evans would like a definition for "lowest adjacent grade" to be added to the GMO. This discussion will be deferred to a future Planning Board meeting.

Mrs. Sage reported that the first informational meeting between a developer and neighboring property owners recently took place and it appeared to fulfill the purpose intended. Mr. Cutler will alert all Planning Board members of future meetings in case they care to attend.

Order of contact by Mr. Cutler of Planning Board members for the purpose of signing-off on land use permit applications is: Chairman; Vice Chairman; Secretary; other members by seniority of position.

Ms. Evans expressed reservations about how the parking issue for the Oriental Harbor Marina project was resolved at the January 25th meeting. Mr. Mau assessed that the Planning Board made the appropriate decision. He added that the Board needs to remain vigilant in regards to on-going projects and to report changes in use that may affect parking issues.

Mr. Miller reported that the Tree Board would like to have an opportunity to provide input on whether or not to move the entire Tree Board Ordinance to the GMO. The Planning Board agreed and he or a representative of the Tree Board would report their recommendation to the Town Board at the public hearing set for March 7, 2006.

Copies of an article written by the Institute of Government on conflicts of interest, which was presented to the Planning Board at the January 25th meeting, will be given to Town Board members.

The GMO requires 1.5 parking spaces per rental unit for motels/hotels/bed & breakfasts. Research into requirements in other towns shows a trend to require only 1 space per unit plus additional spaces for employees.

MOTION: Mr. Miller moved and Mrs. Sage seconded a motion to recommend to the Town Board the following change to Section 196 (3) (d):

(d) Motels, Hotels (Use 1.540), and Bed and Breakfasts (Use 1.520): ~~1½ spaces~~ **one (1) space** for each room available for rent **and one (1) space for every two (2) employees;**

The motion passed 4-1: Mr. Duffie, Mr. Mau, Mr. Miller and Mrs. Sage voting for. Ms. Evans voting against.

The Planning Board agreed that shopping center parking requirements need to take into consideration customer parking, loading and unloading facilities, pedestrian friendly pathways, rear parking and boat trailer/RV parking opportunities and decided to defer making a decision to allow more time to research the issue.

The Planning Board did not recommend at this time to add night clubs and bars to Section 196 (e), parking requirements for restaurants.

The Planning Board did not recommend changing window sign requirements at his time.

Mrs. Sage will provide wording to modify on-premise signs to include clarification of signage for multiple businesses located in one office for the Planning Board to consider at the next meeting.

Discussion of office condos/town centers/PUD's/PRD's was deferred to allow for more research.

Ms. Evans will review Institute of Government information on the new State zoning and subdivision regulations and report back at the next meeting.

Mrs. Sage reported that the Division of Community Assistance would like to coordinate a training session for planning board members throughout the County. Ms. Venturi added that the County has received a Smart Growth Technical Assistance Grant, which will be used for planning training sessions on the HWY 55 corridor project. She will provide a schedule of these sessions. Planning Board members were encouraged to attend.

Planning Board members will research overlay districts and report their findings at the next meeting. Ms. Venturi suggested scheduling a joint meeting with the Town Board, Planning

Board and Tourism Board to discuss overlay districts. A professional planner might be consulted to attend such a meeting.

Review of Land Use Permits Issued:

1. Captains Quarters, LLC, 701 Broad Street – remodel interior rooms to install 5 showers, 5 sinks, and 5 toilets for a 5-room Bed & Breakfast.
2. Willis Simpson, 5201 Albemarle Drive – 24’ x 11’ deck on back of existing structure.
3. Sylvan Friedman, 506 Water Street – residential home.
4. Fulcher’s Point Pride Seafood, Inc., 105 Norman Circle – construction of roof for processing plant.
5. Palm Harbor Homes, 306 Free Mason Street – construct a modular home.
6. Marc & Lynne Kaplan, 1105 Neuse Drive – 2-story front porch.

MOTION: Ms. Evans moved and Mr. Miller seconded a motion to adjourn the meeting. The meeting was adjourned by Mr. Mau at 11:50 a.m.

Don Mau, Chairman

Dee Sage, Vice Chairman/Secretary