

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

The regular meeting of the Planning Board was called to order by Chairman, Don Mau, at 7:05 p.m. on Tuesday, April 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 was Town Board member, Warren Johnson. Six members of the public were in attendance. Town Manager, Wyatt Cutler, was unable to attend the meeting.

Drafts of minutes for the March 28, 2006, regular meeting were distributed.

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

Mr. Steve Shuttleworth, representing the Sea Horse Landing project, requested a modification to their subdivision preliminary plat. The developers would like permission to subdivide lot #12, which is approximately 2.4 acres, into two lots with a minimum of 1 acre each. There are separate residences on this parcel, and the lot would be divided with one structure on each. It would require an easement for ingress and egress for one of the houses.

MOTION: Mr. Duffie moved and Mr. Miller seconded a motion to allow the division of lot #12 into two lots not less than one acre each. The motion passed unanimously.

Mr. Shuttleworth assured the following conditions: 1) that the existing structures would remain on separate lots; 2) that there is an easement for ingress and egress over the lot closest to the road to the other lot; 3) that the restrictive covenants to the entire project would stipulate that no other division of lots will be allowed, including the pasture/barn area; 4) that an 8 foot easement would provide access from the road to the pier; and, 5) that the house with the existing pool would remain a residence and not become a clubhouse/community pool.

Mrs. Sage presented a draft for a Planned Development Overlay Zone. This proposal should not be confused with the Planning Board's discussion of overlay zones for the "Old Village," "Harbor Waterfront," or "HWY 55 Entrance Corridor." The purpose of this proposal is to replace sections of the GMO that refer to Planned Unit Developments (PUD's) and Planned Residential Developments (PRD's). It is designed to regulate all types of multi-unit development including but not limited to condominiums, apartments, PUD's, PRD's and mixed-use buildings. These types of developments are not addressed adequately in the GMO or by state regulation.

Planning Board members requested that the town's attorney prepare a proposal for a "Planned Development" section in the GMO to be distributed about a week before the May Planning Board meeting. The proposal should take into consideration the uniqueness of Oriental and explain if developable land includes marshland, ponds, and other non-buildable parts of tracts.

In addition, consideration should also be given to parts of the County's proposed "Group Housing Projects," ordinance which might be relevant to Oriental.

Planning Board members submitted their ideas about an appropriate definition for "overlay district/zone" that reflects Oriental's needs.

MOTION: Mrs. Sage moved and Mr. Duffie seconded a motion to define "overlay district/zone" as follows:

"overlay district/zone" – An overlay district or zone, when established, defines the regulations as they pertain to development of an existing zone or zones in more detail than the regulations which are currently in effect. The establishment of an overlay district or zone is a response to recognized special developmental needs of a defined area resulting from: 1) the location of the zone (relative to others); 2) desired developmental goals; 3) geographic or environmental uniqueness; and/or, 4) historical significance. Generally two or more of these will define the "need." It does not, however, permit uses inconsistent with the regulations of the underlying zone.

The motion passed unanimously.

The next step in developing overlay districts/zones requires delineating the boundaries for "Old Village," "Harbor Waterfront," and "HWY 55 Entrance Corridor." Members continued to debate the desired goal for each of these areas. In considering the character of these areas: 1) it was suggested that the "Old Village" should be referred to as just the "Village;" 2) the characteristic of the "Village" should be residential, "Waterfront" should be mixed use, and "Hwy Corridor" should be business enterprise; 3) include the elements of mass, density, skyline view and parking; and, 4) to preserve the fishing industry character of the Raccoon Creek harbor waterfront area. Planning Board members agreed that a consensus should be reached on the meanings of "harbor" and "waterfront."

A decision on boundaries was deferred. In the meantime, Mrs. Sage will provide copies of the summary for the 2003 "Neighborhood Citizen Groups," and Ms. Evans will provide the profile of those who participated in a survey held at the same time. The groups and survey were initiated to get input from citizens to help develop long-range planning goals. Planning Board members will review this information to aid in future discussion of the overlay district/zone matter.

Planning Board members agreed that it is time to include other town boards and a professional planner in the process of developing these overlay districts/zones.

In response to the growing number of incidents where homes are being raised to get out of the flood plain and a nonconforming setback is created or increased – i.e. steps – the Planning Board proposed the following motion.

MOTION: Mr. Duffie moved and Mr. Miller seconded a motion to recommend to the Town Board the following addition to Section 184 of the GMO:

Section 184

(f) Notwithstanding the foregoing; in the event a building constructed prior to February 1, 1999, is elevated to raise the finished floor above the Pamlico County flood elevation not to exceed ten (10) feet above sea level, and any of the building's existing steps are extended to comply with the North Carolina Building Code, any such extensions to existing steps shall not be included as substantial part of the building as described in Section (d) as long as they do not encroach into the right-of-way. Such step extensions shall not be considered an extension or enlargement of a nonconforming situation pursuant to Section 124.

The motion passed unanimously.

The Town's attorney, Scott Davis, provided the following choices for defining "lowest adjacent finished grade:"

- 1) Average or mean (**or lowest if you like**) finished grade of the property located between the front of the structure and the street. (The theory here is that one is less likely to build a hill that they have to climb up to get to their front door or in their garage.) Using the average or the mean does allow for some drainage away from the structure without being penalized.
- 2) Average or mean (**or lowest**) grade of the centerline of the street directly in front of the subject property. (Potential problem with this is that one is penalized by creating positive drainage away from the structure. Could also negatively impact structures located on naturally elevated property)
- 3) Average or mean (**or lowest**) grade of the subject property as it exists prior to any site work conducted on the property, including but not limited to excavating, filling, or grading of any kind.

Planning Board members are to consider these options and find examples and exception to them. Action for defining "lowest adjacent grade" was postponed to the next meeting.

Planning Board members requested that Mr. Davis provide a written opinion on the new State regulations that cover conflicts of interest: G.S. 160A-381(d). (Prohibition of financial conflicts of interest on zoning amendments, having a fixed opinion on a case prior to a hearing and no undisclosed ex parte communications, etc.)

Ms. Sage requested that consideration of parking issues be placed on next month's agenda. Ms. Evans suggested that the Planning Board define "shared parking." It is requested that Mr. Cutler ask Mr. Davis for a definition of "shared parking."

Alan Propst, a local real estate broker and developer, distributed copies of letters for an "informational" meeting to owners of property adjacent to a proposed multi-use/multi-residential project on North Street. Planning Board members may want to attend. He also provided detailed plans for members to review. This development consists of four units, each with retail space and

residential garage parking on the first level and two-story residential units on the upper levels. He plans to use “pervious concrete” for the driveway and open parking areas.

At Commissioner Barb Venturi’s request the Planning Board agreed that Mr. Mau and Mrs. Sage shall represent the Planning Board on the Town Board’s “Long Range Planning” Commission.

Mrs. Sage reported that Maureen Will of NCDENR is reviewing a revision draft of the updated CAMA Land Use Plan. A meeting of the update committee will be scheduled when the draft meets her standards.

Commissioner Warren Johnson provided Planning Board members with the County’s latest version of the proposed “Regulation of Group Housing Projects.” Members will review this proposal for elements that might be useful to incorporate into the Town’s “Planned Developments” ordinance which will be discussed at the next meeting.

Review of Land Use Permits Issued: In Mr. Cutler’s absence, no issued Land Use Permits were presented. If there were any for the last month, they will be presented at the next meeting.

MOTION: Mr. Duffie moved and Mr. Miller seconded a motion to adjourn. The motion passed unanimously and the chairman adjourned the meeting at 8:50 p.m.

Don Mau, Chairman

Dee Sage, Vice Chairman/Secretary