

TOWN OF CAROLINA SHORES
Planning Board
Meeting Minutes
July 27, 2015
3:00 p.m.

At 3:00 p.m., Chairman Mark Brown called the July 27, 2015 Planning Board Meeting to order. The Pledge of Allegiance was recited and a moment of silence was observed. The following members attended: Kathryn Powell, Ruth Ann Campbell-Grothe, Dan O'Reilly and Gregory Hapner. Also present: Jon Mendenhall; Town Administrator and Joseph Przywara, Liaison.

Absent: Alternate Member Beverly Mayhew and Nicole Marks, Town Clerk.

Alternates in Public Attendance: Normand Neligon

Administrative Reports:

Mr. Mendenhall said there are no new administrative reports and would be happy to answer any questions from the reports given at the workshop meeting. Chairperson Brown asked how the progress was going on the Medical Center. Mr. Mendenhall said the Medical Center had a groundbreaking today. Mr. Mendenhall said the Board of Commissioners, Novant Health, the developer, the Realty firm broke ground on that project today and footing and foundation work are on-going and there are no problems to report out there. Member Powell asked if the other parcel has been purchased and Mr. Mendenhall said that no one has purchased the remainder of that parcel and there are three out parcels from the Medical Center back to Persimmon and there is some active interest in two of the three parcels. Member Campbell-Grothe asked if there was an estimated timeframe now that the groundbreaking was done. Mr. Mendenhall said we are looking at the spring 2016.

New Business:

Proposed Calabash Lakes Phase 3 Zoning Amendment:

Mr. Mendenhall said what the Planning Board has before them is a continuation of the workshop agenda item. Mr. Mendenhall said this item is a request to rezone Phase 3 of Calabash Lakes Subdivision, it's a total of thirty-three acres, the current zoning is R-8 and the proposed rezoning is Planned Residential Development, PRD. Mr. Mendenhall said the primary reason for this rezoning request as I was told and submitted by the developer is to allow for a conversion of attached single family to detached single family and to allow for approximately 98 single family detached housing units. At this time, Mr. Mendenhall turned it over to the developer for their presentation. Mr. Andy Webster from D.R. Horton turned it over to Mr. Jason Woolworth, Engineer. Mr. Woolworth said with the down turn of the economy and stuff, D.R. Horton took over the project from Portrait Homes and they have moved forward with the phases that have single family and some of the duplex's they have continued building out there as well. Mr. Woolworth said now they are getting to the end of that product line and they are needing more areas to continue to build in. Mr. Woolworth said they have found that their sales from what

they've had, single family detached product is a better selling product for them and they can continue the development at a better pace and move it along instead of stalemating. Mr. Woolworth said we are requesting a rezoning of what is currently R-8 zoning which allows the townhome attached product to a PRD which will allow a single family detached product. Mr. Woolworth said we are not wanting to change any of the products of what they already built, just put it in a smaller area. Mr. Woolworth said with that, we will be needing some reductions on the setbacks, which he thinks is the biggest concern. Mr. Woolworth said right now it's R-8 and they are requesting a 6,000 square foot versus an 8,000 square foot which is the current R-8 zoning. Mr. Woolworth said the R-6 zoning which is allowed in the Ordinance does cover the 6,000 square foot but they want a 50 foot minimum front setback versus the 60 square foot of the R-6 zoning. Mr. Woolworth said so that would be one of the differences. Mr. Woolworth said the front setback would be the same 25 foot, the rear they are asking for a 15 foot setback and a 5 foot setback for the side and this would allow them to get their blueprints in there. Mr. Woolworth said in the package they sent, there were nine different product styles that they are proposing, again, all similar to what's out there. Mr. Woolworth asked if the Planning Board has been given copies of the new packets and Mr. Mendenhall responded no they have not because he wanted D.R. Horton to present it to the Board today. Mr. Woolworth said on some of the lots, the products will not fit on the lots as it is now because of the constraints of the side setbacks and the cul-de-sacs where they pitch down, so then those products wouldn't be allowed on there. Chairperson Brown said these are products that are already in place in other phases in Calabash Lakes that are zoned R-8 but they won't fit on an R-6 with the current setbacks, correct? Mr. Woolworth said yes, that is correct with the current setbacks of the R-6 that is right. Chairperson Brown said now if you had stayed with an 8,000 square foot lot, how would that affect how many houses would be going up, you currently have 98 homes? Mr. Woolworth said they have 98 homes based on a 6,000 square foot lot and he doesn't have a number based on an 8,000 square foot lot in front of him but they can certainly get that information. Chairperson Brown said that is something he would like to see. Chairperson Brown said you said you want to mimic what you have as far as houses but not the lot because it will be smaller. Mr. Woolworth said there will be more open space in the back of the houses it just won't be between the houses. Mr. Woolworth said the houses are about 1,410 to 3,300 square feet depending on the houses. Mr. Webster said the product that you see in there will be between 1,500 to 2,200 sq. feet and that's what sells if the lot can handle it. Mr. Woolworth said they would lose about 8 lots if they went to 7 ½ feet. Mr. Webster said they are going from 220 units of townhouses to 98 single family homes and they would like to stay with the 5 foot and after looking at the numbers to go to 7 ½ feet and they would lose 8 lots. Mr. Webster said he does understand their concerns and he's done developments where there are 0 setbacks and 5 foot setbacks are within the Building Code. Mr. Webster said we do want to work with the community to do what's right. Member O'Reilly said you have a lot of representation from the community today who are very unhappy with what you want to do and asked if they had sat and talked to the community and Mr. Webster said no, they hadn't spoken. Member O'Reilly said he thinks it would be nice if they did and then come back and talk to the Planning Board that would be his option. Mr. Mendenhall said for the record, your original proposal was for 5 feet and compromising now at 7 ½ feet and Mr. Webster said yes sir. Mr. Mendenhall said your original proposal was for 98 units and you have dropped that to 90 units and Mr. Webster said yes sir with the 7 ½ foot setback.

At this time, Chairperson Brown said he would open the floor to residents that had questions and D.R. Horton will give their answer, this is not a debate.

Maxine Putnam, 34 Calabash Lakes Blvd. – Ms. Putnam says she is in the townhouses that currently sit kind of out in the open built area. Ms. Putnam said she is concerned on how close the setback will be to her existing plan, she has no idea, this is the first she has heard of this. Ms. Putnam said the whole lot situation being different than the people that have been living there. Ms. Putnam said there is currently open space in front of her and doesn't know if this will affect her, space between the homes or if it's going to be less of a distance between her and the building behind her. Ms. Putnam said she has seen what the surveyor has done recently and it looks, she hasn't measured it and asked how close it will be to her property line because it looks pretty close. Ms. Putnam said it would be nice for them to know what is going on in their community and if it's going to affect them.

Sandy Jenkins, 240 Cable Lake Circle – Ms. Jenkins said she would like to understand why all of us single family, paired ranch and condominium owners were not informed that any of this was going to happen. Ms. Jenkins said the question that Mr. O'Reilly proposed I would have understood that D.R. Horton would be required to at least inform us or meet with us before we found out from members of our own community and she doesn't know how they found out. Ms. Jenkins said her other question is what really is the difference in a five foot setback and a 7 ½ foot setback, it's still going to be a neighbor who is right there or feel that is. Ms. Jenkins said 7 ½ feet is not any difference in terms of how crowded it will be. Ms. Jenkins said do you know what our setbacks are now and a representative from D.R. Horton said ten and Ms. Jenkins said yes and that is a total of 20 feet. Ms. Jenkins said when it comes to a fire zone, there was a huge fire in the next community from us twenty years ago, the houses were swept away all because of vinyl siding. Ms. Jenkins said we don't want to look like The Farm; the one's that bought in Calabash Lakes wouldn't buy in The Farm because their setbacks are less and their homes look very crowded. Ms. Jenkins said we want to maintain what we got. Ms. Jenkins said I'm sorry but it will affect our appraisal values, our home values and asked D.R. Horton what they plan on selling these 5 foot setback homes for. Ms. Jenkins said wouldn't it be better to keep what we got there.

Janet Heinis, 1010 Cypress Springs Court – Ms. Heinis asked what is the total number of new homes you will be building. Ms. Heinis said there are major issues that they have with landscaping and what kind of landscaping do you plan to do and asked if there is a landscaping plan they can look at and where can they get a copy to look at.

Barbara Patterson, 1023 Chadsey Lake Dr. – Ms. Patterson said she is one of the original people in Calabash Lakes and she doesn't have a question, she has a statement. Chairperson Brown said this is only for questions and Public Comment is for statements and Ms. Patterson said thank you.

Dick Totino, 280 Cable Lake Circle – Mr. Totino said part of the frustration with the residents of Calabash Lakes is the lack of attention provided or received on the part of D.R. Horton of their concerns. Mr. Totino said Member O'Reilly's suggestion is right on the money, that they should be presented with this and discussed with us. Mr. Totino said John knows he was at the meeting last December that our input didn't matter and didn't count. Mr. Totino said so my question to John is does D.R. Horton intend to do or listen to the community, if their concerns are dismissed, then why have a meeting. Mr. Totino said as long as communication is two way and not just the residents responding. Mr. Totino said the communication with Gold Crown has been a very large source of frustration for the residents and unless that is corrected, we can sit hear and have

meetings all day long. Mr. Totino said Mr. O'Reilly concerns and suggestions are right on the money but our feeling is now you or somebody is just going to dismiss what we are going to say about this rezoning. Mr. Totino said communication will wait to be seen.

Holly Seldal, 8 Coffee Mill Creek Lane – Ms. Seldal said basically they talked about the 5 foot setback as opposed to what we have which is 10 feet, correct? Ms. Seldal said so they are dividing it in half and then negotiating it to 7 ½ making it look like they are coming our way which is probably what they were planning all along. Ms. Seldal said if you cut something in half and then you're bargaining for 7 ½ it was probably their plan all along to go 7 1/2. Ms. Seldal said and as long as you're making the lot with the houses that close together, it's going to depreciate the value, so when a home sells and they compare it to her home that has a larger lot, my home is not going to sell for the same amount of money. Ms. Seldal said they say it's going to be the same value house but it's not going to be the same value house because the lot is smaller, no matter how you look at it, these homes are going to be on top of each other, you're going to be able to hear conversations from house to house when your windows are open, I know I lived in L.A. and I know what it's like to have a home too close. Ms. Seldal said and like Sandy said that's part of why we moved into this neighborhood, was we liked the spacing of the houses. Ms. Seldal said and we're losing that, even if we still live in an area where there is spacing, we're losing value on our homes because of it. Ms. Seldal said we will be losing value and it is a negotiation process and if they cut it in half and they negotiate for 7 1/2, we're still losing. Ms. Seldal said it should just stay at 10 foot so the whole community looks the same, looks uniform from front to back and not squeezing in too many homes.

Chairperson Brown said they haven't negotiated anything, they haven't proved anything, even at the last meeting the Planning Board had a problem with the total of a 10 foot setback 5 on each side, total at 10. Chairperson Brown said somebody made a comment that the citizens don't matter, well according to this Board, that's not true at all because what we're trying to do is, we want more construction and we want residents to be happy. Chairperson Brown said once they're gone, we're still here, so we want to do what is right for you also and I think Member O'Reilly had a great idea of getting together because what I would like to see is to stay with the R-8 with that setback and tell us how many homes it is going to be then. Chairperson Brown said he knows it's all about the bottom line, we all know that. There was further discussion on possibly having a meeting with D.R. Horton and the POA.

CHAIRPERSON BROWN MADE A MOTION TO VOTE DOWN THE FIVE FOOT SETBACKS IN THE PRD. MEMBER O'REILLY SECONDED THE MOTION. CHAIRPERSON BROWN RESCINDED HIS MOTION.

There was discussion on the options, vote it up, vote it down or table the item.

MEMBER CAMPBELL-GROTH MADE A MOTION THAT THE PLANNING BOARD NOT ACT ON THE CURRENT REQUEST FOR REZONING IN FRONT OF US TODAY AND THAT D.R. HORTON WILL MEET WITH THE COMMUNITY AND COME UP WITH AN AGREEMENT BETWEEN THEM AND BRING IT BACK TO THE PLANNING BOARD FOR FINAL APPROVAL. MEMBER POWELL SECONDED THE MOTION. CHAIRPERSON BROWN CALLED FOR A VOTE AND MOTION CARRIED BY UNANIMOUS VOTE.

Public Comment:

Susan Brown, 3033 Cedar Creek Lane – Ms. Brown said she would like to thank the Planning Board and she is so pleasantly surprised to get your immediate response to our concerns and can see that you also have concerns about this. Ms. Brown said there are safety reasons and there are water issues and to put down so much concrete, and how much can be absorbed and we get some really good rain around here. Ms. Brown said so it's not just the way it looks, there are major concerns and I do thank you for this.

Barbara Patterson, 1023 Chadsey Lake Dr. - Ms. Patterson said I was one of the original people in Calabash Lakes and I am so proud of our community, it is the most beautiful development in the area. Ms. Patterson said she kind of feels the same as everybody else, her area is fine but we bought with the intention of keeping it the way it was done. Ms. Patterson said and she hopes the back will be done the same as the front.

Nancy O'Grady, 1011 Coletto Creek Lane – Ms. O'Grady said her walk through found some defects which were addressed but nobody came to correct the problem for her house. Chairperson Brown said that is not a matter for the Planning Board.

Joseph Przywara, 883 Corn Planters Circle – Mr. Przywara when they are doing this revision, have we at the Town received any updated Stormwater Management Plan because he knows that some parking spaces are going to be torn up and driveways and doesn't know if they are compensating each other, has the Engineer done anything on that yet?

Barbara Morrow 7 Canyon Creek Court – Ms. Morrow said in regards to the motion that was made, it would be too bad, if it were too late to add a timeframe on when this meeting was to take place by.

Town Administrator, Jon Mendenhall said sometimes in forums like this, there is a lot of information going around and he will take a few minutes to educate the public and the Board, just as a reminder how this came about, how these processes work and some things to look for. Mr. Mendenhall said so how this works is a developer such as D.R. Horton comes in and they want to rezone property, they fill out a petition, there is paperwork, all the paperwork they have filled out is available online on the Town's website. Mr. Mendenhall said it comes to the Planning Board as a first stop and that's the first time it is brought to the public's attention is in this form. Mr. Mendenhall said there was a workshop meeting that was held about a week ago and that kind of walked us through for the Board for the first time this proposal. Mr. Mendenhall said usually we have two meetings a month, the first is the workshop and the second is the regular meeting and this is the regular meeting for this body and this body is the Planning Board. Mr. Mendenhall said the Planning Board is an advisory Board and so what it does is advises the Board of Commissioners, the Board of Commissioners meets the first Monday and the first Thursday of every month, so their meeting next week and they take up these matters and that's where these matters are finally settled. Mr. Mendenhall said the Planning Board is advisory in nature and the Board of Commissioners who are elected, have the final say. Mr. Mendenhall said that's how all this works and that's why everyone is here today and he would just like to give that out as educational information so people can understand a little bit about what's looked at and is this fully engineered at this point, Mr. Mendenhall said he thinks the developer would tell you no, it is not, is it a

done deal, no, if it were they would fully engineer it, this is preliminary, this is really the first step in a long series of things. Mr. Mendenhall said so what would happen here is it would be voted up or down or tabled and then it goes to the Board of Commissioners as either voted up or down or tabled there, then it becomes law at that point, it's read as an Ordinance. Mr. Mendenhall said when it goes on front of the Board of Commissioners, it's actually a Zoning Ordinance that's passed and then at that point its still not fully engineered, the Town's engineer reviews those plans, staff reviews those plans and then it's constructed. Mr. Mendenhall said then they have to come back around and get everything approved based on what was built. Mr. Mendenhall said it's a long process. Mr. Mendenhall said that's what has taken place here, this is the advisory Board, you heard their action and the Board of Commissioners have already advertised for this, next week on Monday, and it will be their pleasure at the workshop meeting what to do with the item. Mr. Mendenhall brought up the question on mailing out notice, who is supposed to get these notices. Mr. Mendenhall said we inform the public in several different ways, in the newspaper which is required by NC Statute, First Class mailed notice to all the abutting property owners, that's also required by NC Statue, we also put up a sign at the property, so folks will know. Mr. Mendenhall said not everyone in the subdivision is notified only those that are statutorily surrounding or abutting the property are notified and that may answer some of your questions. Mr. Mendenhall said we have a list of abutting property owners that one could be from California, we mailed some to California, New York and I don't know where he's from but we mailed them to whoever has the property that abuts. Mr. Mendenhall said you may ask how do we find out who owns the property and said whoever is listed in the tax records when we do the search, gets the notice. Mr. Mendenhall answered procedural questions from the audience.

Chairperson Brown said the next meeting is August 19, 2015 at 11:00 a.m. and the regular meeting is August 24, 2015 at 3:00 p.m.

Adjourn:

MEMBER O'REILLY MADE A MOTION TO ADJOURN THE JULY 27, 2015 PLANNING BOARD MEETING. MEMBER POWELL SECONDED THE MOTION. CHAIRPERSON BROWN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Chairperson Mark Brown

Submitted by:
Nicole L. Marks, Town Clerk