

**Surf City Planning Board
June 14, 2018**

Members Present:

Randy Cox
Gary Cavanaugh
Sally Edens
Chuck Strickland
Jimmy Campbell

Town Staff:

Todd Rademacher, Planning Director
Patricia Arnold, Administrative Assistant
Teresa Batts, Council Liaison
David Price, Collections & Distribution Supervisor
Jeff Johnson, Police Captain

Others Present:

Donna Lanier
Lynn Raynor
Jimmy Fentress, Stroud Engineering
John Koloski

A. Call to Order- Mr. Cox

B. Approval of Minutes – April 12, 2018

Mrs. Edens made a motion to approve the minutes. Mr. Strickland seconded the motion and it carried.

C. Magnolia Reserve Preliminary Plan Subdivision Approval

Owner:	South State Development, LLC
Agent:	Stroud Engineering
Acreage:	80
Project:	Magnolia Reserve
Proposed Use:	200 Single Family Homes
Zoning:	R-10 Residential
Location:	Highway 210 just west of Saltwater Landing
Stormwater:	State stormwater review

The subdivision submitted will be accessed by a new road Torquay Drive from Highway 210 and 30-foot easement to Saltwater Landing. Highway 210 will require state permits

for the driveway access and 10-foot multi-use path to be constructed. A deceleration lane as well as some road widening will be required for access to the subdivision.

R-10 allows for single family homes to be constructed on minimum 10,000 square foot lots. All lots meet or exceed the 10,000 square foot lot minimum. Each lot will be permitted to have 3600 square foot of impervious area.

Landscaping, sidewalks and lighting have all been designed in compliance with the ordinances. Open space will have trails, passive park space in this phase of development.

Temporary turnarounds for the fire department are being provided for emergencies. Water and sewer meet the requirements of the ordinance with a new pump station and a looped water system.

All newly created streets and sidewalks will be public with maintenance acceptance being reviewed once improvements are completed.

All other departments completed their review and found the site to be in full compliance with the ordinances.

Staff recommends approval of this subdivision as it meets the requirements of the ordinance.

Mr. Campbell wanted to know if the new homeowners will know that the stub outs will mean that in the future that another development could come in and cause more traffic on their streets.

Mr. Cox asked Ms. Batts for her Realtor/Broker opinion.

Mr. Rademacher stated that with public roads that owners should be aware that stub outs could mean future development and that the subdivision maps are available to see.

Mrs. Edens asked if the green space areas were all wetlands or if there were some usable green space areas.

Mr. Rademacher stated that there was usable green space area.

Mrs. Edens made a motion to approve the Magnolia Reserve Preliminary Subdivision. Mr. Cavanaugh seconded the motion and it carried.

D. Zoning Text Amendment Request

Applicant:	Robin & John Koloski
Project:	Test Amendment to fence ordinance
Proposed Use:	6-foot-tall fences along front property line
Zoning:	All Zoning districts
Location:	Surf City Town Limits

Robin and John Koloski are requesting two text amendments to the Town's Zoning Ordinance. Both requests fall within Section 5.2 Fences.

Current Ordinance

5.2.1 Residential fences. Fences not exceeding a height of four (4) feet shall be exempt from the yard and building setback line requirements of this ordinance. Fences not exceeding a height of six (6) feet to be erected only in side or rear yards shall be exempt from yard and building setback line requirements of this ordinance, provided that no fence exceeding a height of four (4) feet will be constructed within fifteen (15) feet to any street. In all cases, the corner visibility provisions of this ordinance shall be observed.

Non-opaque fences up to six (6) feet above lot grade level provided that no fence shall be located within fifteen (15) feet of any street. (Chain link or rail fences not more than three (3) rails no closer than eighteen (18) inches apart are hereby determined to be non-opaque fences).

Opaque fences and retaining walls of any height and non-opaque fences more than six (6) feet above lot grade level upon approval of the planning board.

Public works uses and public utility substations such as tanks, pumping stations, treatment stations, electric substations, oil pipelines and telephone substations shall provide that all dangerous apparatus shall be enclosed by a chain link fence at least six (6) feet in height; no vehicles or materials shall be stored on the premise and no offices shall be permitted; and the landscape is screened with shrubs and other vegetation so as to blend with the surrounding area.

The first request is to permit a 6-foot-tall fence in the front yard and the second would be to allow the 6-foot fence to be built along the property line or along the ROW line. The current ordinance requires that fences exceeding 4 feet in height but not greater than 6 feet in height must be setback at least 15 feet from the street.

The applicant has laid out concerns for the request in the application in regard to safety, financial hardship etc. The fence is being constructed to go around a pool that is currently being built adjacent to the single-family home the applicant resides. State building code

only requires a 4-foot fence be installed around the perimeter of the pool not around the entire property.

Staff has done some research on fence ordinances and found very few communities that allow 6-foot fences in the front yard. The two places that allow the fences at 6 feet are Asheville and Lincolnton in North Carolina.

A couple other communities allow 5' tall fences. North Topsail beach allows 4-foot fences in the front yard but they need to be engineered and Topsail Beach currently allows 8 foot fences but is in the process of rewriting the ordinance to only allow 4' fences in the front yard.

This is the first time staff has had a concern with the fence ordinance for any section of a property. Visibility is one of the more important things to consider for this ordinance change request. Also, consider how small our lots are in comparison to most communities. We have a majority of 5,000 to 15,000 square foot lots. Finally, consider the sense of community, openness, and the welcoming atmosphere we encourage in Town and what a wall of fences would look like along our street frontages.

Please note that the Planning Board and Town council cannot grant a variance for this request.

Staff does not recommend approval of the Zoning Text Amendment as it is inconsistent with the goals of the Land Use Plan which states "*Municipal ordinance height restrictions have given the community a low profile and residential, low density feel.*" Increasing front yard height limits and eliminating setbacks would be inconsistent with this statement.

Also, staff has had no other issues with the ordinance and does not feel that a change to the ordinance, which would apply to the entire Town, is necessary.

Mr. Koloski stated that when he requested the text amendment he wanted a special assessment. I wanted to put a pool in our yard. Our neighbor had a hot tub in her yard and came home to find someone in her hot tub.

I don't want to give up 20' of my front property.

I want safety, security, and property.

Safety so that I don't have to guard my property, no one can jump over it, and I don't have to worry when not at home.

If I can't do 6 foot I will do a 4 foot with tees behind it to wall it if it's a big issue.

Todd suggested I go with a Variance.

My attorney said I would only win a variance if someone else cause the hardship and I heard the same by the surveyor.

Extra landscaping will cause financial hardship.

Mrs. Edens said so will extra lots and swimming pools.

Mr. Strickland stated that with what we are presented with today we cannot grant.

Mr. Koloski said the property line is 4 feet from roadway.

Mrs. Edens asked if he wanted to put up a 6-foot fence 4 foot off the roadway.

Mr. Koloski stated yes, he did.

Mr. Campbell stated that if the fence was 6 foot and you have kids and if they are in trouble you could not see them. If someone wants to get in they will.

Mrs. Edens made a motion to deny the application for Zoning Text Amendment request.
Mr. Strickland seconded the motion and it carried.

E. Adjourn

Mrs. Edens made a motion to adjourn. Mr. Strickland seconded the motion and it was carried at 5:53 pm.

Randy Cox, Planning Board Member

Patricia Arnold, Administrative Assistant