

**Surf City Planning Board
September 14, 2017**

Members Present:

Barry Newsome, Chairman
Larry Bartholomew, Co-Chairman
Randy Cox
Carl Johnson
Steven Pasquantonio
Jimmy Campbell, Alt Member

Town Staff:

Todd Rademacher, Planning Director
Patricia Arnold, Administrative Assistant
Teresa Batts, Council Liaison
Jeff Johnson, Police Captain

Others Present:

Charles Riggs, Charles Riggs & Associates
Glenda Heidsick, 135 Cornel Ln.
James Claxton, 104 Lumis Ct.
Angie Claxton, 104 Lumis Ct.
Janet Lancaster, 121 Cornel Ln.
Laura Jarosz, 114 Osier Dr.
Kellie Sharrock, 109 Osier Dr.

A. Call to Order- Chairman Newsome

B. Approval of Minutes – August 10, 2017

Mr. Cox made a motion to approve the minutes. Mr. Bartholomew seconded the motion and it carried.

C. CJL Partners, Inc. Zoning Map Amendment

Owner: CJL Partners, Inc
Agent: Charles Riggs & Associates
Acreage: .857 acres
Proposed Zoning: SF Residential
Current Zoning: R-10 Residential
Location: Intersection of S Shore Drive and White Hills Lane
(private road)

The applicants are requesting the rezoning of property currently zoned R-10 to be rezoned SF Residential. The property is .857 acres in size and is located at the intersection of South Shore Dr. and White Hills Lane. Adjacent properties within the jurisdiction of the County are zoned for a variety of rural and residential uses. Adjacent properties on the south, east and west are zoned R-5 Residential and include vacant land, the Channelbend Neighborhood and properties on the oceanfront. The property to the north is

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a single lot with a residence zone R-10. The Town also has a sewer lift station on this property.

The current R-10 zoning permits the development of single family homes and duplexes on minimum 10,000 square foot lots. A rezoning to SF would allow for a reduced lot size to 5,000 square feet but would limit development to single family homes. No duplexes would be permitted in this district.

The land use plan designates this area as Island Residential defined as an area having minimum lot sizes of 5,000 square feet and consists mainly of infill lots and the re-subdivision of existing lots.

Staff recommends rezoning of this property to SF as the surrounding area is single family homes on 5,000 square foot lot properties. This rezoning would also be consistent with the LUP and other adopted plans of the Town of Surf City.

Mr. Cox asked if the easement for the 20x20 lift station restricts this lot to one house.

Mr. Rademacher stated that this lot could have 1 sound front, 2 road front and 1 interior lot. White Hills Lane is paved and is a pretty standard development. There is also an easement for Mr. Warren to the existing home.

Mr. Cox made a motion to approve the Zoning Map Amendment. Mr. Pasquantonio seconded the motion and it was carried.

D. Public Comment

Glenda Heidsick, 135 Cornel Ln., stated that the Arbors that is currently going in that we were told the subdivision and the new one would be conforming to the same standards of sidewalks and trees Surf City's idea that they would be built out with the same product. The Arbors' sidewalks are only on one side of the road. There are already oak trees planted on the other side of the street. They still have a number of lots to sell and I have a concern that with lots that small how that product is even going to be close to that the Arbors is currently selling and the Dogwood Lakes standards.

Does Surf City ask the builder to put up a bond so in the event he gets over his head or the project isn't finished half way through there is some security to us that if the subdivisions get joined that we are not joined to a big mud pit? Being built out by 3 or 4 other developers and the whole thing is going to look hodgepogged. We have 3 developers in Dogwood Lakes and it's not an uncommon situation, the builders go in and buy various lots. Is there forethought in protecting in what we have invested in at Dogwood Lakes and this is the right kind of subdivision to be going in and that because the subdivision already there by the Arbors developer they are not biting off more than they can chew and are not going to be lead down this road to a mud hole.

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If that does become a thru way, there is one speed limit sign when you come into Dogwood Lakes and the entire rest of the way has no posted signs. It is posted 25 mph. There are 15 children on the first 150 yard pass that are under the age of 5. My request would be if we can't mitigate that cut thru that we lower the speed limit to 20 mph and more signs are posted and strictly enforced.

Mr. Newsome asked Todd what rules and regulations allow us to deal with this here by this Board.

Mr. Rademacher stated none. The CUP has been issued and this board has no authority to make statutory decisions or final decisions like that. This is not the board for that. In regards to financial impacts of individual properties, the town cannot ask for a developer's portfolio or their builder's portfolio. We have no authority to do that.

Mrs. Heidsick asked how can you avoid shacks being built next to our property?

Mr. Rademacher stated you can't. We are bound by the General Statutes of the State of NC. The State of NC dictates what kind of authority each municipality and county has.

James Claxton, 104 Lumis Ct. stated that so getting away from the town is the best thing to do, just getting out of Surf City.

Mr. Rademacher stated you would no longer have access to water & sewer, everything would become private maintenance. So all those expenses would be turned over by the town. Would have to get 100% participation from the entire neighborhood and have somebody sponsor it at the General Assembly. If everyone agreed not to have water and sewer and not have public streets and brought it to the General Assembly without the town protesting it, then you can get de-annexed.

Mrs. Heidsick asked if there is way to protect our property value

Mr. Rademacher stated sure, same thing with your neighborhood. Someone could go in and buy one of those lots and put up whatever they wanted to.

Mrs. Heidsick stated that not based on our CCR's they can't.

Mr. Rademacher stated that has nothing to do with the town. We can't enforce deed restrictions. We have no authority on deed restrictions.

Mrs. Heidsick asked if so HOA has more power than you guys do in this state.

Mr. Rademacher stated yes absolutely. This single family subdivision "The Summit" is the first time we have had a subdivision go to the town council as a CUP and actually put special conditions on that subdivisions. All other

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subdivisions from 1949 to now were built as Use-By-Right. Generally speaking if you meet the zoning requirements on this map you can build it. The Town Council cannot legally turn it down. That's NC law.

Mr. Campbell stated that builders don't want to put junk on their properties because they want to sell them just as fast as people can buy them. In terms of speed limits, accidents happen, nobody wants that to happen.

Mrs. Heidsick asked if it is possible to lower the speed limit

Mr. Pasquantonio asked about speed bumps

Mr. Rademacher stated that we can't do speed bumps

Mr. Campbell asked if we can they put out more signs

Mr. Rademacher stated yes, they talked about a lot more signage during the Council meeting. Jeff can you touch on how the speed limit gets changed

Captain Johnson stated that it's the city and can pretty much do what it wants. If it is a NC road then DOT would have to come down and do a survey and do all kinds of recommendations

Mr. Rademacher stated the town has got to pass a Resolution and ask the Police to do a study on traffic safety

Mr. Cox asked if board can make a recommendation to city council that they investigate the safety issued

Mr. Rademacher stated yes, would probably hold more weight if request was coming from the citizens that live in that neighborhood

Mr. Cox made a motion to request to the Town Council to investigate the safety issues in Dogwood Lakes in anticipation of the joining of the roads with the new development. Mr. Pasquantonio seconded the motion and it was carried.

Mr. Pasquantonio stated that he recommended that they not put in a "not a cut thru" sign that it makes it worse.

Janet Lancaster, 121 Cornel Lane, asked if we can ask the new neighborhood to change their entrance and not go thru DWL

Mr. Rademacher stated yes you can.

Laura Jarosz, 114 Osier Dr., asked if there anything at this board level to force their hand to make it so they cannot connect to Osier

Mr. Rademacher stated there is nothing that we can do

Angie Claxton, 104 Lumis Ct., stated that we were just told that there is a sidewalk/bike path that is being built behind our house however that's our property. We have given an easement to the power company it's on private property we own it.

Mr. Rademacher stated the town was given an easement from the original developer to build a greenway under the powerline

Mr. Claxton stated but we actually own the property, I plan on putting a fence up

Mr. Rademacher stated you can't put a fence up there anyway, duke power will take it down

Mrs. Claxton stated that we were told when we bought that house that we could do anything with that property as long as Duke power had access to those lines

Mr. Rademacher stated the Realtor or Developer did not give some people the full information and there is a recorded easement given to the Town of Surf City for the development of it. We have an easement across the whole 100 feet of Dogwood Lakes for a 10 foot greenway

Mr. Claxton stated that you can do whatever you want to

Mr. Rademacher stated no, we can only build a walkway. The developer of this new neighborhood is putting in a parking lot and the first phase of this greenway on his lot.

E. Adjourn

Mr. Cox made a motion to adjourn. Mr. Campbell seconded the motion and it was carried at 6:10pm.

Barry Newsome, Chairman

Patricia Arnold, Administrative Assistant