

**MINUTES
PLANNING BOARD MEETING
March 28, 2022
5:30 P.M.**

LOCATION:

City /County Meeting Room
905 West Avenue

MEMBERS PRESENT: Curtis Baker, Jeff Church, Marta Lazo, Lucy McCarl, Tim Scobie

MEMBERS ABSENT: Sharon Bryant, James Bradshaw, Mac Martin

STAFF PRESENT: Jenny Wheelock, Hannah Williams, Lauren Hartley

Chairperson McCarl called the meeting to order.

MINUTES:

Board Member Scobie moved approval of the meeting minutes of February 28, 2022. Board Member Church seconded the motion, which was voted upon and passed by unanimous vote.

NEW BUSINESS:

1. R# 2-22 Summerhill Subdivision Phase I/II

Applicant: Cape Hatteras, LLC
Owner: Cape Hatteras, LLC (majority owner); various
Location: Summerhill Subdivision Phase I/II

Proposed re-zoning from R-12 to Conditional Zoning (will be “CZ-8” on the Official Zoning Map). The proposed CZ-8 district seeks to retroactively approve the reduced setbacks shown on the Phase 1 plat, and modify previous conditions related to stormwater management.

Recommended Action: Approval of the request, and call for a public hearing at City Council on April 19, 2022.

This item was presented by Planning Director, Jenny Wheelock using the staff report and PowerPoint. She stated the applicant has requested the setbacks be reduced to 20’ front yard, 10’ side yard, 20’ rear yard, and 15’ streetside yard. The original plat was approved in 2007, showing these setbacks but the record doesn’t reflect approval of the modification. The limitations on the overall built upon area will help with the stormwater runoff. There were only 2 houses built in 2007, then development started back in 2019.

The developer was cited in 2007 by the NCDNR for construction site run-off and was required to install sediment control measures. Ms. Wheelock presented photos of the stormwater issues and erosion. She stated there is land that can be used to capture the erosion and the water before it

becomes elicited discharge. An HOA will need to be established to help maintain the stormwater, commonly owned open space, and signage.

Chairperson McCarl asked at what point would the erosion issue be addressed. Planning Director, Wheelock stated some of the infrastructure is working as it should. Once the survey is complete, a plan for stormwater will take place. The developer will need to get an engineer and respond more to the City in the future. In the conditions on the staff report it states no building permits can be issued until this is complete.

The applicant, Rebecca Cobey from Chapel Hill, NC stated she grew up in Lenoir. In 2005, the land was bought and they hired a developer. Only 2 houses were built in 2007 until 2019 and no stormwater was being maintained. Mrs. Cobey stated they are going to fix the problem by turning over some lots to the HOA. They have contacted an attorney, surveyor, and engineer to start the process. The setbacks made by the original developer are also a problem and need to be corrected.

Laura Cassell at 1215 Summerhill Street SW stated she is concerned with the HOA and the restrictions that come with it. She is on board with the reduced setbacks and the water issue. Mrs. Cassell stated they did not sign up for a HOA or restrictions when the property was purchased.

Planning Director, Jenny Wheelock responded that the City would not require any restrictions for the HOA, it would be through zoning. The newly established HOA will probably be less restrictive. The City is only requiring there be an entity to be responsible for the stormwater if there is a problem.

The applicant, Rebecca Cobey stated they have never collected money from the HOA, any expenses they have paid for themselves. Once they meet with the attorney, they plan to do away with the restrictions and make the HOA for stormwater management.

Board Member Scobie made a motion to approve the Conditional Zoning district CZ8 for Summerhill Subdivision Phase 1/II and the addendum with conditions and call for a Public Hearing for City Council to consider the request on April 19, 2022. Board Member Church seconded the motion, which was voted upon and passed unanimously.

OTHER BUSINESS

1. Staff provided an updated list of issued zoning permits to the board, as general information.

ADJOURNMENT:

Having no other matters to bring before the Board, Chairperson McCarl adjourned the Planning Board meeting at 6:20 p.m.

Lucy McCarl
Chairperson

Jenny Wheelock
Planning Director