

PROPOSED AGENDA

COUNCIL MEETING

July 19, 2011

7:00 PM

CALL TO ORDER – Mayor Sammy Phillips

PLEDGE OF ALLEGIANCE

INVOCATION

ADOPTION OF AGENDA AND CONSENT ITEMS

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City Council

Mayor

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COUNCIL MINUTES

SPECIAL WORKSHOP MEETING

June 21, 2011

A special workshop meeting of the City Council of the City of Jacksonville was held Tuesday, June 21, 2011 beginning at 5:00 PM in Council Chambers of the Jacksonville City Hall. Present were: Mayor Sammy Phillips, presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry A. Bittner, Fannie K. Coleman, Randy Thomas, Bob Warden and Jerome Willingham. Also present were: Richard Woodruff, City Manager; Ron Massey, Assistant City Manager; Gayle Maides, Interim Finance Director; Glenn Hargett, Communications and Community Affairs Director; Mike Yaniero, Police Chief; Rick McIntyre, Fire Chief; Tim Chesnutt, Recreation and Parks Director; Earl Bunting, ITS Director; Grant Sparks, Public Services Director; Reggie Goodson, Planning and Development Services Director; Bill Ratliff, Human Resources Director; Carmen Miracle, City Clerk; and John Carter, City Attorney. *An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 5:00 PM.

ADOPTION OF AGENDA

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Warden, and unanimously approved to adopt the agenda as amended to add property acquisition to the scheduled closed session.

MONTFORD POINT MARINE ASSOCIATION PRESENTATION

Chief Warrant Officer 5 Houston Shinal, National Monument Director, presented a short video to Council on the Montford Point Marine Monument concept outlining its design and location. Mr. Shinal stated that in June 1999, ground was broken at Camp Johnson with the intent to build a monument in honor of the Montford Point Marines. CWO5 Shinal stated that all 36 chapters of the National Montford Point Marine Association were on board to make this monument a reality. Using the PowerPoint presentation attached to the official minutes as Exhibit A, CWO5 Shinal reviewed their fund raising goal and plans. He stated that when the

current plan costs were brought down to their \$1.5 million goal, they would come back to Council asking for assistance.

Mayor and Council thanked Chief Warrant Officer 5 Houston Shinal for this informative presentation.

LAND APPLICATION UPDATE

Using the PowerPoint presentation attached as Exhibit A, Dr. Bruce Johnson, Soil Scientist with Stantec Consulting Services, Inc., presented an overview of the executive summary, recommendations of each section, and major conclusions from the February 2011 team evaluation. He stated there were over thirty separate recommendations in the report, but only three basic areas of need which included: 1) maximize fullest permitted extent and duration of wastewater irrigation, 2) perform forest management activities according to management plan, and 3) manage pre-treatment to optimize storage lagoon levels and effluent pH. Currently tree death was still extremely low at 5 to 6% and corrective actions were already being taken. Overall, the recommendations were: 1) management to reduce several stressors, 2) prompt action on targeted items to provide the greatest benefit, 3) to understand that some changes would take time, and 4) to work with nature, not against it.

Seth Ward, President of Premier Forestry & Environmental Consulting, presented the Forest Management Plan for the Land Treatment Site. Using the PowerPoint presentation, he reviewed the long term plan, why it was important to conduct forest management, and first steps.

Mayor Phillips asked if any of the lines were damaged during the controlled burn. Mr. Ward said no, but there was one small area with a smaller above ground line that developed a small pinhole and it was repaired.

Mr. Woodruff stated three more controlled burns had been planned, but were postponed due to the drought in the area. Those burns would resume when the ban was lifted. In each of the 120 management zones, there was a 25 year plan. Every year there would be many controlled burns in the fall and the spring, thinning, harvesting and constant reforestation. Council and the public would see constant work which was necessary to manage the forest, and to create a revenue stream to offset the expenditures of managing the forest. In some years there would be more revenue than expenses generated, especially during total harvesting; in other years the expenditures would be higher than revenues. Finance would be setting up very restrictive use of the revenues that came from the land application portion. If the revenues exceeded the

expenditures during the year, the remaining funds would be reserved so that in future years the revenues and expenditures would balance.

Mayor Pro-Tem Lazzara asked if financial projections would be brought to Council every year so that the financial implications for the management practices could be reviewed. Mr. Woodruff stated that it would become part of the budget process and the only reason it wasn't part of the current process was because plans were still in the process of being finalized.

Mayor Pro-Tem Lazzara asked in terms of the replacement trees, when would the ideal tree to replant be determined. Mr. Ward stated that it would be a several year process of test plots to determine the proper species. The testing was not focused on a single species, but on species best for the different types of landscape and on the market for them. There would actually be a mix of species.

Mayor Phillips asked if Council would be receiving information on a periodic basis. Mr. Woodruff stated Staff was looking at a quarterly update either via the management report or at a workshop.

Mayor Phillips stated that with this investment in taxpayer dollars, the management program was an essential operation that needed to be continued.

RECREATION MASTER PLAN

Using the PowerPoint presentation attached as Exhibit A, Tim Chesnutt, Recreation and Parks Director, reviewed the recommended structure presented in the Comprehensive Master Plan. The basic structure started with the hub concept where the largest parks serve as "destinations". The next tier would be the community parks, with the last tier being neighborhood parks.

Mr. Chesnutt stated the City received a copy of the completed Military Task Force Commission Report which would become an addendum to the City's Master Plan. The addendum took a regional approach and made recommendations for a collaborative effort between the Base, Onslow County and the City. Specific recommendations were made for joint use facilities. Locations identified for this combined effort included Onslow Pines Park and possibly Tarawa Terrace.

Concepts for Phillips Park, Jack Amyette Park, Northeast Creek Park, and the Commons and Richard Ray Park were presented. Mr. Chesnutt discussed their current uses, major assets,

proposed uses, transition plan and vision for the parks. He asked Council to consider accepting the Master Plan independent of the concepts, as the site plan concepts were for illustration only.

Mr. Woodruff stated that when the Master Plan Study was commissioned, more was expected from the consultant than was received. Individual studies of the four parks were prepared by Staff who worked with the Recreation and Parks Commission to create a transition plan. By looking at the user and opportunity patterns of all the parks, Council could rebuild what the City currently had, or given the fact that Jacksonville had changed since the original money was invested, the parks could be used in a different way. The first park Staff would like to implement was Jack Amyette. Council would be provided a site plan on the redevelopment of the land area within the next 30 days. Mr. Woodruff stated that the studies prepared by Staff on the four conception plans would have cost about \$35,000 for a consultant group to prepare.

Mayor Phillips stated that what Staff had provided was what Council was looking for from the Master Plan from the beginning and he commended staff on creating a better product.

Councilman Bittner stated there was a lot to consider and felt more discussion was needed. He also wasn't sure about tearing down the Boys & Girls Club buildings at Jack Amyette. Mr. Woodruff stated the City was in support of the Boys & Girls Club and had met with Mr. Marks in February regarding the difficulties with the buildings.

Mayor Phillips stated he would like to see a workshop dedicated totally to the Recreation Master Plan.

Councilman Willingham stated he would like the analysis of the removal of the ball fields from Phillips Park to be substantial and objective. He was in favor of modifications and updating, but did not want to see structures that could be used torn down without logic and significant review. He stated the rearranging of Jack Amyette made sense.

Councilman Bittner stated that since the City didn't own the land around Jack Amyette, there needed to be an agreement with the Board of Education guaranteeing the use of the facilities for at least the life of the investment before an investment was made to redo the basketball courts and ball fields.

Mr. Woodruff stated that the City Attorney had already drafted an Interlocal Agreement containing an amortization schedule and language about use and priority of use.

Councilman Warden asked if grants available to Parks and Recreation were contingent upon having an accepted Master Plan or just having a Master Plan. Mr. Chesnutt stated he was

unsure, but not having a Master Plan in any form had hurt us. Councilman Warden asked if grant opportunities would be missed if Council took extra time to consider the adoption of the Master Plan. Mr. Chesnutt stated that this was the time of year Staff would be looking for grant opportunities, and he should have a more definitive response within a month.

Mayor Phillips asked that the Master Plan be brought back to Council in the form of a formal workshop where Council would have time for discussion of the ideas and concepts. Mr. Woodruff also suggested that a tour of recreational facilities for Council would be beneficial. Council agreed.

CLOSED SESSION

A motion was made by Councilman Bittner, seconded by Mayor Pro-Tem Lazzara and unanimously approved to recess the Special Meeting at 6:30 PM in order to convene a Closed Session for the purpose of consulting with the attorney in order to preserve the attorney client privilege pursuant to General Statute 143-318.11, subsection (a-3) and regarding property acquisition pursuant to General Statute 143-318.11, subsection (a-5).

RECONVENE

Mayor Phillips reconvened the Special meeting at 6:58 PM and announced that no reportable action had been taken in closed session.

ADJOURNMENT

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Warden, and unanimously adopted to adjourn the meeting at 6:59 PM.

COUNCIL MINUTES

REGULAR MEETING

June 21, 2011

A Regular Meeting of the City Council of the City of Jacksonville was held Tuesday, June 21, 2011 beginning at 7:00 PM in the Council Chambers of City Hall. Present were: Mayor Sammy Phillips presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry Bittner, Fannie K. Coleman, Randy Thomas, Bob Warden and Jerome Willingham. Also present were: Richard Woodruff, City Manager; Ronald Massey, Assistant City Manager, Gayle Maides, Interim Finance Director; Glenn Hargett, Communications and Community Affairs Director; Mike Yaniero, Police Chief; Rick McIntyre, Fire Chief; Grant Sparks, Public Services Director; Reggie Goodson, Planning and Development Services Director; Carmen Miracle, City Clerk; and John Carter, City Attorney. *An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

Councilman Warden led the Pledge of Allegiance.

INVOCATION

Mr. John Carter pronounced the invocation.

ADOPTION OF AGENDA AND CONSENT ITEMS

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Thomas, and unanimously approved to adopt the agenda as presented.

ADOPTION OF MINUTES

A motion was made by Councilman Thomas, seconded by Council Member Coleman, and unanimously adopted to approve the minutes of a Special Workshop Meeting held June 6, 2011 as presented, the minutes of a Special Workshop Meeting held June 7, 2011 as presented, and the minutes of the Regular Meeting held June 7, 2011 as presented.

PRESENTATIONS

REPORT TO COUNCIL – ONSLOW CIVIC AFFAIRS COMMITTEE

Dr. Don Herring, Chairman of the Onslow Civic Affairs Committee, provided a brief report on the annual activities, accomplishments and goals of the Committee. Councilman Jerry Bittner thanked Council for appointing him as liaison to the Committee. He stated the Committee was a very active, interesting group to work with and were a paradigm for other organizations to emulate.

PUBLIC COMMENT

There was no one present desiring to speak at this public comment section.

NEW BUSINESS

CONSENT ITEMS

FISCAL YEAR 2011 BUDGET AMENDMENT

A budget amendment was needed for the following: to allocate salary savings in the General Fund and Water/Sewer Fund to designated departments; appropriate water/sewer revenues received in excess of budget; appropriate revenue received for the Harmony Grant; correct account code error between the General Fund fund balance and the Powell Bill fund balance; transfer funds from the E-911 Special Revenue fund to the General Fund and Information Technology Services Fund; transfer necessary funds to the Self Insurance fund to cover FY11 health insurance expenses; appropriate revenue received as a contribution to the Recreation Department; transfer water/sewer contingency funds to Utilities Maintenance operating budget to cover check valve installation; close the Wilson Bay Initiative project GF0208 and transfer remaining balance back to the General Fund and Capital Reserve Fund; to transfer remaining balance in the Sturgeon City Project GF0005 back to the General Fund and Capital Reserve; to appropriate revenue received as a donation to the Police Department for their Firearms Training Range project; to appropriate anticipated contributions for the Freedom Fountain project; to close out the Richard Ray All American Park project (GF9801) and transfer the remaining balance to the Richard Ray Garden Improvement project (GF1118); and to close the Transit Park and Ride Facility project (TR1102).

Council moved to approve the budget amendment.
Ordinance 2011-41, Bk. 10, Pg. 403

AUTHORIZATION TO CONDEMN FINANCIAL GUARANTEES

As directed by Council, staff requested authorization to process condemnation of the expiring financial guarantees held by the City if the developer was unable or unwilling to provide renewed financial guarantees. It was also recommended that the Mayor and Council allow staff, if necessary, to extend the Surety Agreements and Warranties for up to one year.

Council authorized staff to process condemnation of the financial guarantees if the developers were unwilling or unable to provide proper surety and to extend the Surety Agreements.

NON-CONSENT ITEMSFISCAL YEAR 2012 BUDGET ADOPTION

The purpose of the proposed Budget Ordinance was to adopt a budget and fee schedule for FY 2012 and approve the FY2012-2016 Capital Improvement Plan. The budget was in balance as required by General Statutes.

Mr. Woodruff stated that all of the actions that Council authorized had been modified in the budget. The tax rate for the City remained the same based on that budget. Using the PowerPoint presentation attached to the official minutes as Exhibit A, Mr. Woodruff reviewed the Fund balances, the Capital Improvement Plan (CIP), and personnel positions. He stated there were several items that needed to be considered and the first would be to making a decision on the Waste Management request.

Mr. Woodruff stated that Waste Management submitted a request for the increase they were denied last year, plus an increase of 1.4% for this year. Mr. Carter reviewed their contract which stated that if an increase was denied, it was lost. Because of that, the issue before Council was an increase of 1.4% only.

Mr. Woodruff reviewed the proposed increase and its impact. He indicated that Ms. Chip Dodd of Waste Management was available to discuss the justification for the request due to the increase in fuel costs, if Council desired.

Councilman Bittner stated that Council had heard from Ms. Dodd at a prior workshop. Following a brief discussion, a motion was made by Councilman Bittner and seconded by Councilman Warden to grant the 1.4% rate increase to Waste Management.

A vote was taken on the motion and was approved on a 5-1 vote with Mayor Pro-Tem Lazzara voting "nay."

Mr. Woodruff asked if Council was prepared to adopt the Budget including the five year CIP and the Waste Management increase.

A motion was made by Councilman Bittner and seconded by Councilman Warden to adopt the FY 12 Budget Ordinance and Fee Schedule as amended to include the Waste Management fee adjustment of 1.4% and to approve the FY2012-2016 Capital Improvement Plan.

Councilman Thomas asked for clarification on the prior year authorization of projects. Mr. Woodruff stated that when Council authorized the construction of a particular project, funds were set aside that year. If the project was not completed that year, the funds for the project were brought forward. Councilman Thomas asked if the City had those funds in cash. Gayle Maides, Interim Finance Director, stated that the funds set aside were not necessarily cash funds, but could be in the form of anticipated borrowing or grants. There was some cash set aside, but the majority would not be. Mr. Woodruff stated that until a project had been completed or cancelled by Council, the funds in whatever form stayed in the budget.

Following discussion, Mr. Woodruff stated a list would be prepared showing all projects that had been approved and their completion status.

A vote was taken on the motion and was unanimously approved.

Ordinance 2011-42, Bk. 10, Pg. 407

APPLICATION FOR 2011 EDWARD BYRNE JUSTICE ASSISTANCE GRANT

The Police Department requested authorization to apply for the 2011 Edward Byrne Justice Assistance Grant (Non-Recovery Act). The City of Jacksonville was eligible to receive \$28,847 in funding. Staff proposed that this funding be used to expand the department's K-9 program, to purchase a tactical ballistic shield and for improvements to the Mobile Command Center vehicle. Grant requirements included review by the governing body and an opportunity for public comment. There was a sense of urgency to apply for the Grant, but there was the ability to change what the funds would be spent on.

Mike Yaniero, Police Chief, discussed the items to be purchased with the Grant funds. He stated that the department currently had two K-9s and would like to have another to cover peak times. There had been a number of cases where K-9s had been used to catch robbers quickly after the robbery occurred. The importance of having the K-9 unit was not as much the narcotics aspect, but the tracking aspect. In regard to the ballistic shield, he stated that last year

some additional ballistic shields were added to the patrol cars. The shield they wanted to purchase would be for the specific use of the SWAT team and would give protection against rifle bullets. The last item would be upgrades to the Mobile Command Center including a smart board to save information to the computer to document the particular effort.

Chief Yaniero stated he was asking for authorization for the Police Department to apply for the Byrne's Grant, but he knew Council had concerns about the K-9. If Council decided they wanted to study the K-9, it could be replaced on the Grant by another item. He would provide more information to Council in the Management Report for their review.

Mayor Phillips stated his concern was spending the Grant funds for something that created recurring costs. Chief Yaniero stated the only recurring cost would be that of the dog food and veterinary costs. Mr. Woodruff stated additional options could be provided with more information in the Management Report. Councilman Bittner stated he was prepared to give approval. Chief Yaniero stated the key part was to give approval for the Grant because the filing deadline was July 14. The components could be changed.

Mayor Phillips asked if there was anyone present who would like to speak to the matter.

With no one desiring to speak, a motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Thomas, and unanimously approved to authorize the Police Department to apply for the Grant to purchase a tactical ballistic shield and outfitting the Mobile Command Center with improvements, but bringing back detailed proposals for the K-9 program or other requests in the Management Report.

PUBLIC COMMENT

There was no one present desiring to speak at this public comment section.

REPORTS

JUNETEENTH FESTIVAL

Councilman Willingham attended the Juneteenth Festival at Jacksonville Commons on Saturday, June 18. It was well attended and everyone seemed to enjoy the activities. Staff had a lot of responsibilities and did a good job in pulling everything together. The event was not in the budget for next year, but he felt the City should partner with the event again. Councilman Bittner stated the event was packed and it was nice to see people enjoying themselves. Councilman Warden commented on the Juneteenth Banquet on Friday, June 17. He felt it was well put together and the program was enjoyable. Mayor Phillips commended Lillie Gray and

the Committee that put the event together. They did a tremendous job and he felt there may be an opportunity for the City to partner in the future. Council Member Coleman also attended the events.

DOWNTOWN ALIVE

Councilman Thomas said that Downtown Alive had been brought back again by B.O.L.D. This was another event residents could enjoy. The next Downtown Alive would be held July 9 from 2PM to 9PM at Riverwalk Park with vendors and music. There would also be one in August and September.

ICE CREAM SOCIAL

Council Member Coleman reported another event that residents could attend. The Mayor's Committee for Persons with Disabilities was hosting an Ice Cream Social on July 23 from 1PM to 4PM at the Jacksonville Commons. Ice cream sandwiches were being provided by Maola Milk and music by Taco & Maria.

STURGEON CITY

Mayor Phillips said he attended the opening luncheon for Sturgeon City Institutes on Monday, June 20. He saw a lot of enthusiasm in the kids attending. Mayor Phillips thanked all those involved in putting Sturgeon City Institutes together including Glenn Hargett, Dr. Don Herring, Pat Donovan-Potts and JP McCann who played significant roles. He asked Council Members to stop by and see what was going on.

EVENTS

Mr. Woodruff stated that the City was constantly hearing from the public that there was nothing to do in Jacksonville. Two weeks ago was Downtown Alive, last Saturday was Juneteenth, this coming Saturday would be the New River Foundation Festival at Riverwalk Park and in July there would be Downtown Alive again. You didn't have to look far to find things to do in this community.

WATER CONSERVATION

Mr. Woodruff asked all citizens to voluntary cut back on their water usage. If the drought continued, mandatory controls would need to be activated at the next Council Meeting in July.

JULY CLOSURE

Mr. Woodruff stated that City offices would be closed on July 4 and the City Council meeting for July 5 had been cancelled.

REDISTRICTING

Mr. Carter stated that the Justice Department was reviewing the Ward Redistricting that had been submitted by Council. There were a few technical questions asked and Mr. Hargett was supplying information. Staff was hoping to receive the report that Redistricting had been approved shortly after July 1. If word was received that there would be a delay on the approval, a Special Meeting would have to be called to file a Resolution delaying the election. There was a 30 day window from June 25 to the opening of election filing on July 25 for Council to file the Resolution. Council would be kept apprised.

ADJOURNMENT

A motion was made by Mayor Pro-Tem Lazzara, seconded by Council Member Coleman, and unanimously adopted to adjourn the meeting at 7:59 PM.



City Council Presentation

Presentation Item: A Date: 7/19/2011

Subject: Proclamation – Holiday City Day

Department: Mayor’s Office

Prepared by: Carmen Miracle, City Clerk

Presentation Description

In recognition of the efforts to assist and support residents, perform clean-up and rebuild quickly following the tornado of April 16, 2011, a Proclamation is being presented to the Holiday City Mobile Home and Apartments Community owners, management, and staff.

Kate LaVanche and Mickey Cohn will be present to accept the Proclamation on behalf of Holiday City and their staff members.

Action

Present Proclamation to Kate LaVanche, Mickey Cohn, and attending staff members.

Attachments:

A Draft Proclamation

City of Jacksonville
North Carolina
Proclamation

Whereas, on April 16, 2011, a Category F-3 tornado touched down in Jacksonville, tearing a path of destruction through the Holiday City Mobile Homes and Apartments community (Holiday City); and

WHEREAS, due to the severity of the storm, many homes were destroyed or were deemed uninhabitable, which rendered many residents homeless; and

WHEREAS, the owners, management, and staff of Holiday City worked tirelessly to quickly secure temporary housing for their displaced residents; and

WHEREAS, Holiday City also organized meetings and events, such as cookouts, where residents could meet with representatives from the City of Jacksonville and the Federal Emergency Management Agency (FEMA) to discuss the options available; and

WHEREAS, Holiday City owners, management, and staff moved quickly to organize the debris clean up and expedite repairs which enabled residents to return their lives to normal; and

WHEREAS, the owners, management and staff of Holiday City personify the meaning of the City of Jacksonville motto – “A Caring Community” and we are fortunate to have this group of dedicated and compassionate individuals call Jacksonville “Home;”

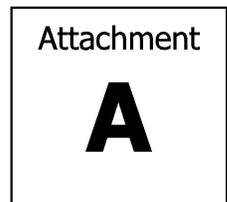
NOW, THEREFORE, I, Sammy Phillips, Mayor of the City of Jacksonville, do hereby proudly proclaim July 19, 2011 as

“HOLIDAY CITY DAY”

in the City of Jacksonville and on behalf of the City Council and the citizens of our great City, we hereby recognize and commend Holiday City owners, management and staff for their outstanding efforts to assist, support, and care for the citizens of our community.

Attest: _____
City Clerk

Mayor





City Council Presentation

Presentation Item: B Date: 7/19/2011

Subject: Proclamation – Disabilities Awareness Day

Department: Mayor's Office

Prepared by: Carmen K. Miracle, City Clerk

Presentation Description

In recognition of the 21st anniversary of the Americans with Disabilities Act, the Mayor's Committee for Persons with Disabilities will be holding an Ice Cream Social at the Jacksonville Commons Recreation Complex on Saturday, July 23, 2011. Committee members will be on hand to provide information on disability services available locally.

Joe Traumer and Gary Miner will be present to accept the Proclamation.

Action

Present Proclamation to Joe Traumer and Gary Miner.

Attachments:

A Draft Proclamation

City of Jacksonville
North Carolina
Proclamation

Whereas, on July 26, 1990, President George H. Bush signed into law the Americans with Disabilities Act (ADA) to ensure the civil rights of people with disabilities; and

WHEREAS, this historic legislation established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities; and

WHEREAS, the ADA has expanded opportunities for Americans with disabilities by reducing barriers and changing perceptions to increase participation in community life; and

WHEREAS, the ADA has helped to give all people the opportunity to live with dignity, work productively, and achieve their dreams; and

WHEREAS, on the 21st anniversary of the Americans with Disabilities Act, we celebrate the progress that has been made and reaffirm our commitment toward full ADA compliance;

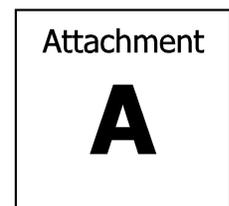
NOW THEREFORE, I, Sammy Phillips, Mayor of the City of Jacksonville, do hereby proudly proclaim Saturday, July 23, 2011 as

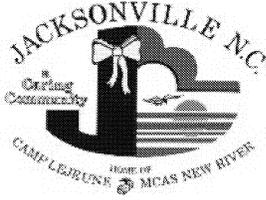
“DISABILITIES AWARENESS DAY”

in the City of Jacksonville and urge all residents to recognize the importance of the Americans with Disabilities Act and join The Mayor’s Committee for Person’s with Disabilities for an Ice Cream Social at the Jacksonville Commons Recreation Complex.

Mayor

Attest: _____
City Clerk





City Council Presentation

Presentation Item: C Date: 7/19/2011

Subject: Proclamation – National Night Out

Department: Mayor's Office

Prepared by: Carmen K. Miracle, City Clerk

Presentation Description

National Night Out brings communities together nationwide to promote police-community crime prevention efforts. It is designed to heighten crime and drug prevention awareness and send a message to criminals letting them know that neighborhoods are organized and fighting back.

In recognition of the 28th Annual National Night Out, the presentation of a Proclamation has been requested by the Police Department.

Michael Yaniero, Police Chief, will be present to accept the Proclamation.

Action

Present Proclamation to Police Chief Michael Yaniero.

Attachments:

A Draft Proclamation

City of Jacksonville
North Carolina
Proclamation

Whereas, the National Association of Town Watch is sponsoring a unique, nationwide crime, drug and violence prevention program on August 2, 2011 entitled “National Night Out”; and

WHEREAS, the 28th Annual National Night Out provides a special opportunity for the City of Jacksonville to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, the City of Jacksonville plays a vital role in assisting Jacksonville Police Department in supporting crime, drug and violence prevention efforts in Jacksonville and is supporting National Night Out 2011 locally; and

WHEREAS, it is essential that all citizens of Jacksonville be aware of the importance of crime prevention programs and impact that their participation can have on reducing crime, drugs and violence in Onslow County; and

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the “National Night Out” program;

NOW THEREFORE, I, Sammy Phillips, Mayor of the City of Jacksonville, do hereby proudly proclaim Tuesday, August 2, 2011 as

“NATIONAL NIGHT OUT”

in the City of Jacksonville and urge all residents to join the Jacksonville Police Department in support of the “28th Annual National Night Out.”

Mayor

Attest: _____

City Clerk

Attachment

A



City Council Presentation

Presentation Item: D Date: 7/16/2011

Subject: Yard and Business of the Month Beautification Awards

Department: Recreation and Parks

Prepared by: Michael Liquori, Recreation and Parks

Presentation Description

David and Shawn Reintjes residing at 2615 Northwoods Drive and John Forsmark and John Perry of Credo's Pizza and Ribs 150 Western Boulevard have been recommended to receive a Yard of the Month award from the Beautification and Appearance Commission for outstanding personal and business property appearance.

Councilman Bob Warden is the Council appointed Liaison to the Beautification and Appearance Commission.

David and Shawn Reintjes will be present to accept the Residential Yard of the Month award.

John Forsmark and John Perry will be present to accept the Business Yard of the Month award.

Action

Present Residential Yard of the Month Awards to David and Shawn Reintjes.

Present Business Yard of the Month to John Forsmark and John Perry of Credo's Pizza.

Attachments:

None



City Council Presentation

Presentation Item: E Date: 7/19/2011

Subject: Operation B-4 Committee - Presentation of a Plaque to the City

Department: Mayor's Office

Prepared by: Carmen K. Miracle, City Clerk

Presentation Description

The Operation B-4 Committee would like to present a plaque to the City thanking City Council and the City of Jacksonville for their support of the fundraising campaign for the April 16, 2011 tornado victims.

Action

Recognize Alva Williams and the Operation B-4 Committee to present a plaque to the City.

Attachments:



City Council Presentation

Presentation Item:	F
Date:	7/19/2011

Subject: Oaths of Office – Police Department Promotions: Lieutenant Randall Nordstrom and Sergeant Anthony Horne

Department: Police Department

Prepared by: Michael G. Yaniero, Chief of Police

Presentation Description

The current promotional succession at the Police Department has created vacancies for the positions of Lieutenant and Sergeant.

Applications were received and reviewed. The candidates participated in an extensive process consisting of a formal presentation and a series of oral interviews.

Sergeant Randall Douglas Nordstrom has been selected for promotion to the rank of Lieutenant.

Corporal William "Anthony" Horne has been selected for promotion to the rank of Sergeant.

Action

Administer Oaths of Office to Lieutenant Randall Douglas Nordstrom and Sergeant William "Anthony" Horne.

Family Members to Participate in Badge Pinning Ceremony.

Attachments:

A Oaths of Office – Lieutenant Nordstrom and Sergeant Horne



Presentation Information

Presentation Item:	F
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Oath of Office – Lieutenant Randall Nordstrom

Biography – Randall Douglas Nordstrom

“Randy” Nordstrom

Wife: Vickie
Children: Son, Connor, age 18
Son, Cody, age 15
Son, Christian, age 14
Son, Brian, age 8

Randall Douglas Nordstrom is a native of Trimont, Minnesota. After graduating from high school and attaining a BS degree in Criminology/Psychology in 1986 from Minnesota State University, he entered the Marine Corps. Randy served twelve years, as an infantryman and later as an EOD tech, attaining the rank of Staff Sergeant. His military service at Camp Lejeune brought him to the Jacksonville area and upon leaving the military; he chose to remain here to raise his family.

He began his career in law enforcement with the Jacksonville Police Department in August of 1998, serving as a Patrol Officer and Field Training Officer, later transferring to the Investigative Services Division as a detective for 6 ½ years. He returned to the Patrol Division as a Corporal and was promoted to Sergeant, where he has served as a Platoon Leader and CRT Sergeant. Randy also shared his talents, experience and expertise by serving in special assignments during preparations for the police department’s CALEA accreditation.

His wife, Vickie, will pin on his Lieutenant badge.

His sons, Connor, Cody, Christian and Brian will hold the bible for the Oath and assist in pinning on his new rank insignia.

CITY OF JACKSONVILLE

NORTH CAROLINA



Michael Yaniero
Chief of Police



**Department of
Police**

**Office of
Chief of Police**

Oath of Office
as Police Lieutenant
of the
Jacksonville Police Department

I, **Randall Nordstrom**, do solemnly swear that I will support and maintain the Constitution and Laws of the United States, and the Constitution and Laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Lieutenant of the City of Jacksonville Police Department, and maintain and uphold all the laws and regulations of the City of Jacksonville, North Carolina, so help me God.

This 19th day of July 2011.

Signed _____

Lieutenant
Jacksonville Police Department

ATTEST

Sammy Phillips, Mayor
Mayor

NORTH CAROLINA
ONslow COUNTY

I, _____, a Notary Public, do hereby certify that _____, Mayor for the City of Jacksonville, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this _____ day of _____, 2011.

Notary Public

My Commission Expires



**P.O. Drawer 436 • Jacksonville, N.C. 28541-0436 • (910) 455-1472 • FAX #
(910) 455-9987**

AN INTERNATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY



Presentation Information

Presentation Item:	F
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Oath of Office – Sergeant Anthony Horne

Biography – William Anthony Horne

William “Anthony” Horne

Wife: Shirley
Children: Daughter, Amber, Age 20
Daughter Alyssa, Age 14
Son, Chase, Age 8
Grandson, Kendall, Age 1

Born and raised in Richlands, Anthony Horne is a product of Onslow County Schools, graduating from Richlands High School.

He began his law enforcement career in 1997 at the Onslow County Sheriff’s Department until joining the Jacksonville Police Department in April of 2008.

He has served with the Patrol Division and with CRT. He currently serves as a K-9 Officer with his K-9 Partner “Nero.” Anthony holds certifications as a K-9 officer, police training officer and is radar certified. He received his Advanced Law Enforcement Certificate from the North Carolina Training and Standards Division in February of 2010.

Shirley Horne, his wife of 11 years will be pinning on his badge.

His children, Amber, Alyssa and Chase will hold the bible and assist in pinning on his new rank insignia.

CITY OF JACKSONVILLE

NORTH CAROLINA



**Department
of Police**

Michael Yaniero
Chief of Police



**Office of
Chief of Police**

Oath of Office
as Police Sergeant
of the
Jacksonville Police Department

I, **William Anthony Horne**, do solemnly swear that I will support and maintain the Constitution and Laws of the United States, and the Constitution and Laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Sergeant of the City of Jacksonville Police Department, and maintain and uphold all the laws and regulations of the City of Jacksonville, North Carolina, so help me God.

This 19th day of July, 2011.

Signed _____
Sergeant
Jacksonville Police Department

ATTEST

Sammy Phillips, Mayor
Mayor

NORTH CAROLINA
ONslow COUNTY

I, _____, a Notary Public, do hereby certify that _____,
Mayor for the City of Jacksonville, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this _____ day of _____, 2011.

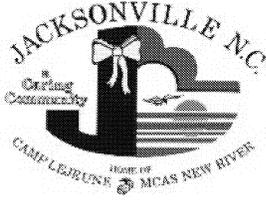
Notary Public

My Commission Expires



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(910) 455-9987**

AN INTERNATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY



City Council Presentation

Presentation Item: G Date: 7/19/2011

Subject: Report to City Council – Planning Board

Department: Development Services Department

Prepared by: Dr. Douglas Lesan, Chairman of the Planning Board

Presentation Description

Dr. Douglas Lesan, Chairman of the Planning Board will be in attendance to provide a brief report on the annual activities, accomplishments and goals of the Planning Board.

Mayor Pro-tem Michael Lazzara is the Council Liaison to the Board.

Action

Recognize Dr. Douglas Lesan, Chairman to present the report.

Attachments:

None



Presentation Information

Presentation Item: **G**

Report to City Council – Planning Board

Introduction

The City planning board is created under the authority of N.C.G.S. Section 160A-361 which states:

Any city may by ordinance create or designate one or more boards or commissions to perform the following duties:

- (1) Make studies of the area within its jurisdiction and surrounding areas;
- (2) Determine objectives to be sought in the development of the study area;
- (3) Prepare and adopt plans for achieving these objectives;
- (4) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
- (5) Advise the council concerning the use and amendment of means for carrying out plans;
- (6) Exercise any functions in the administration and enforcement of various means for carrying out plans that the council may direct;
- (7) Perform any other related duties that the council may direct.

The Planning Board shall comply with the operational provisions set forth in the Jacksonville City Code Chapter 2, Article V.

Planning Board Composition

The City Planning Board consists of nine (9) voting members, who shall be persons of recognized experience and qualifications. Eight (8) of said members shall reside within the City limits and one (1) of said members shall be a resident of the Extraterritorial Jurisdiction (ETJ). The member appointed to represent the ETJ shall have equal rights, privileges and duties with the other members of the planning board, regardless of whether the matter at issue arises within the city or within ETJ. The planning board shall also include ex-officio members as herein described and as described in City Code section 2-154.

A member of the City Council is assigned responsibilities as the Staff Liaison to the Planning Board.

The current Planning Board Members are:

Dr. Doug Lesan – Chairman
Sandra Wyrick – Vice-Chairman
Homer Spring
Thomasine Moore
Theresa VanderVere
Chuck Quinn
Danny Williams
Al Keyes
Pauline Joos – ETJ Representative
Michael Lazzara – Council Liaison

Accomplishments

Over the past year the Jacksonville Planning Board has reviewed, approved and/or made recommendations to City Council on 62 items (85 in 2010). The following is a breakdown of the numbers and types of items considered by the board:

<u>Quantity</u>	<u>Type</u>
1	Conditional/Special Use Permits
25	Conditional/Special Use Permits and Site Plans
5	Site plans w/ Approved Conditional/Special Use Permits
0	Site Plan Modifications
3	Preliminary/General Plans
9	Text Amendments
11	Map Amendments (Rezoning)
5	Land Use Map Amendments (GME/CAMA)
1	Neighborhood Plan (Country/Sandy Run)
1	Downtown Parking Study (workshop)
1	Extraterritorial Jurisdiction Map Amendment (reduction/clean up)



Request for City Council Action

Agenda Item:	1
Date:	7/19/2011

Subject: Public Hearing – *(Legislative)* - Rezoning from RA-20 to CU-B-1 – 930 Ramsey Road

Department: Planning & Development Services

Presented by: Mary Sertell, Senior Planner

Presentation: Yes

Issue Statement

Johnny and Jennifer Avila have submitted a request to rezone one parcel totaling 5.45 acres from Residential Agricultural 20 (RA-20) to Conditional Use Business 1 (CU-B-1). The subject site is located at 930 Ramsey Road.

Financial Impact

None

Action Needed

Conduct a Public Hearing

Consideration of the Proposed Rezoning

Recommendation

Planning Board and Staff recommend Council move to deny the rezoning request based on the Findings of Facts A, B C, and D being found in the negative and that the rezoning does not advance the public interest.

Approved: City Manager City Attorney

Attachments:

- A Rezoning Worksheet
- B Proposed Ordinance
- C Draft Planning Board Minutes- June 13, 2011
- D Section 22, RA-20 of the Zoning Ordinance
- E Section 73, B1 of the Zoning Ordinance
- F Existing Zoning Map
- G Site Survey
- H Existing GME FLU Map
- I Proposed Zoning Map



Staff Report

Public Hearing - Rezoning from RA-20 to CU-B-1 – 930 Ramsey Road

Introduction

Johnny and Jennifer Avila have submitted a request to rezone one parcel totaling 5.45 acres from Residential Agricultural 20 (RA-20) to Conditional Use Business 1 (CU-B-1). The subject site is located at 930 Ramsey Road and is within the City's Extra Territorial Jurisdiction (ETJ). The applicant has requested the following conditions to the rezoning request:

- Uses shall be limited to: Dwellings, single; Parking lot, private; Parking or storage of commercial vehicles; Taxi cab office or stand (commercial bus dispatch use).
- The property, upon development, will also exceed type "A" screening requirements by ten percent by placing additional buffering around perimeter of parking area such as opaque fencing with additional evergreen tree and shrubs, place an earthen berm at rear of parking area.
- The parking area will not exceed one acre of land lot and remain 30 feet from adjacent unoccupied property at 936 Ramsey Rd (Map# 337-56, D.B 770 pg #833, owner Silva Russell) and 180 feet from adjacent property at 916 Ramsey Rd (Map #337-59, D.B 375 pg#356 owner C.L Funkhouser).

Procedural History

- On March 30, 2011 City staff received a citizen complaint about a commercial bus business at the subject site.
- On April 4, 2011 a Notice of Violation was sent to Johnny and Jennifer Avila for the illegal use of the property: Illegal Home Occupation, Illegal Use of a commercial business in the Residential Agricultural 20 (RA-20) Zone and the use of land without obtaining a Certificate of Occupancy (Section 127).
- On April 18, 2011 Johnny Avila appealed the action of the Zoning Enforcement Officer.
- On May 9, 2011 Johnny and Jennifer Avila submitted a request to rezone the property from RA-20 to CU-B-1 with conditions.
- On May 24, 2011 the Zoning Board of Adjustment heard case # 11-00000184 where the Board affirmed the Zoning Enforcement Officer's findings that there was: 1) An illegal use of a commercial business taking place in the RRA-20 Zone; and 2) The land was being used without obtaining a Certificate of Occupancy (Section 127).
- On June 13, 2011 the Planning Board recommended denial of the rezoning request.
- On July 19, 2011 City Council will conduct a public hearing and consider the rezoning request.

Stakeholders

- Johnny and Jennifer Avila – Property owners
- Surrounding property owners – In accordance with General Statutes, property owners within 100 feet of the area proposed for rezoning will be notified via first class mail. In addition, a courtesy notification was sent out informing these same owners about the Planning Board meeting.

Traffic Assessment

The Institute of Transportation Engineers (ITE) Trip Generation Report (Eighth Edition) was used to determine the traffic volume data for the proposed site. Table 1 demonstrates the difference in the estimated traffic volumes for a single family residential structure (the existing zoning use) and a truck terminal (the closest ITE land use associated with a commercial bus operation).

Table 1: Estimated Traffic Volumes	1 SF Dwelling Unit	Truck Terminal	Difference
Average weekday 2-way Volume	10	82	72
AM peak Hour Total (7-9 AM)	1	7	6
PM Peak Hour Total (4 – 6 PM)	1	7	6
Saturday 2-Way Volume	10	17	7

According to the ITE Trip Generation Report a terminal use generates more AM, PM and overall trips than a single family use. When a development proposal is submitted a Traffic Impact Analysis (TIA) may be required to determine the impact of a potential development.

The Jacksonville MPO Collector Plan identifies Ramsey Road as part of a Future Highway Network and the road was recently resurfaced by NC DOT. There are no other scheduled future improvements for the roadway. The roadway has two lanes and is largely rural in character.

Zoning Assessment

The parcel proposed for rezoning is located at 930 Ramsey Road, across from the Indian Acres subdivision and East of the Gum Branch and Ramsey Road intersection. The subject parcel was previously used as a site for a single family house and a small farm, zoned RA-20, and is bordered to the East and West by residential property zoned RA-20. To the South of the property is more residential land, zoned Residential Single Family 10 (RS-10). To the north of the property, land is largely undeveloped and has an Onslow County zoning designation of Residential Agricultural (RA).

The RA-20 district is designed for low-density residential and agricultural purposes, in a rural or near-rural setting, and is intended to insure that residential development without access to public water and/or sewer may take place in a manner which provides a healthful environment. This district is designed to primarily govern land use in areas of the zoning

jurisdiction least developed for urban purposes. This district also permits certain service and public uses as special uses which are common to a more rural setting, have large land requirements, or benefit from a low-density setting.

The Business 1 zoning district is designed to accommodate businesses with a larger variety of services than those found in Neighborhood Business. It is intended to include such businesses that would be oriented to a shopping center or mall. This zone was intended for other uses such as newspaper offices, automotive repair garages, and similar establishments with a heavier concentration of business, still requiring off-street parking.

Merits of Rezoning

In determining the merits of the rezoning request the City Council should consider the following: 1) is the proposal consistent with an adopted land use plan, 2) does the rezoning advance the public interest, and 3) is the rezoning reasonable.

The following Findings of Fact must be applied to the proposal in determining the reasonableness of the rezoning:

- A.** *The size of the tract- The larger the area proposed for rezoning the more likely it is to be reasonable. An individual lot that is within a large zoning district is more suspect than creating a new zoning district involving multiple parcels and owners.*

The area proposed for rezoning comprises one parcel totaling 5.45 acres. The proposed rezoning is located in an area with varying lot sizes from 0.3 acres to nearly 70 acres; however, most of the developed lots range in size from 0.3 acres to 5 acres.

The area proposed for rezoning represents a single parcel in a larger context of other RA-20 zoning. The subject property is also close to another, large area with residential zoning as well as Onslow County zoning designation of Rural Agriculture (RA).

Evaluation

Staff believes rezoning a single parcel, located within a large mass of RA-20 zoning, to a significantly more intense zoning district, to be unreasonable.

- B.** *Compatibility with an existing comprehensive plan- An action that is inconsistent with the plan may indicate special treatment that is contrary to the public interest.*

The Growth Management Element (GME) identifies the subject parcel as Low Density Residential (LDR) in its Future Land Use (FLU) Map.

Low Density Residential describes primarily single-family detached residential development with home occupations, schools, churches and other non-profit organizations.

The GME Future Land Use designations of properties to the East, West and South are Low, Density Residential. To the North of the subject property, the area is designated by Onslow County as Low and Medium Density Residential.

Evaluation

Staff has reviewed the adopted Growth Management Element and has determined that the rezoning is applicable to several of the goals and policies established in the Plan. They are summarized as follows:

- Maintain a sustainable mix of land uses in and around the City through effective, coordinated growth management. (GME Goal 1)
- Promote land use compatibility. (GME Goal 2)
- Protect neighborhoods from encroachment of incompatible land uses by ensuring that zoning is consistent with the Future Land Use Map, by developing and implementing area plans and by enhancing compatibility standards that address noise, traffic and aesthetics. (GME Policy 1.6)
- Provide an atmosphere attractive to new and existing businesses and industries that will strengthen the area economy. Provide opportunities for families and foster economic growth that does not adversely affect the environment, either physically or aesthetically. (Policy 11.1)

Staff believes that the GME Map, Goal and Policies do not support the rezoning in that the nature of the area is dominated by low density single family development that is largely rural in character and zoning approval would have adverse impacts on that established character. The proposed commercial bus operation is not in scale or character with area and therefore staff believes the request in be unreasonable.

- C.** *The impact of the zoning decision on the landowner, the immediate neighbors, and the surrounding community- An action that is of great benefit to the owner and only a mild inconvenience for the neighbors may be reasonable, while a zoning decision that significantly harms the neighbors while only modestly benefiting the owner would be unreasonable.*

Rezoning the subject property would create non-residential zoning abutting residential zoning. The property to the North is zoned Onslow County Rural Agricultural (RA) and is undeveloped. The property to the West is undeveloped and zoned Residential Agricultural (RA). The properties to the South are zoned RS-10 and are used as such.

The residential single family and rural nature of the area are inconsistent with the proposed land use for commercial bus operation. Establishing a commercial bus operation at this location would impact surrounding property owners with sounds and smells of the operation at various hours of the day and night which are in contrast to the nature of residential and rural land uses.

Evaluation

Staff believes that rezoning request is unreasonable given the surrounding uses and the site's location and close proximity to active single family houses.

- D.** *The relationship between the newly allowed uses and the previously allowed uses- The greater the difference in allowed use, the more likely the rezoning will be found unreasonable.*

Section 22 (RA-20) and Section 73 (B-1) of the Zoning Ordinance can be found in Attachments C and D.

Evaluation

The RA-20 zoning district is designed for primarily residential single family development. The B-1 district allows for many levels of commercial activity, including intense land uses such as commercial vehicle storage and operation. Due to the disparity in the intent and design of the two districts, Staff believes the rezoning request to be unreasonable.

Public Hearing Notification

In accordance with the North Carolina General Statutes, all property owners within 100 feet of the subject parcels were notified of the proposed rezoning. In addition, Public Hearing Notifications were posted in the Jacksonville Daily News advertising the public hearing of the rezoning. A courtesy notification was sent out informing these same owners about the Planning Board meeting.

Options

Approve the Rezoning as requested by the Applicant.

- Pros: Approval of the rezoning request will allow the property owner to use the property in a desired manner.
- Cons: The rezoning request allows for a significant change in land use. This change in land use could create potential conflicts between the existing single family properties in the area and the proposed commercial land uses. The rezoning is not consistent with the FLU map in the GME and GME goals and policies. Additionally, there are no other B-1 zoning districts in the surrounding area.

Deny the Rezoning Request (**RECOMMENDED**).

- Pros: Denial of the rezoning request would ensure that zoning in the area would remain consistent and compatible with existing land uses. Further, denial will end existing conflicts between the operation, maintenance and storage of commercial vehicles and single family houses. Denial will also implement the goals, policies and FLU map recommendations of the GME.
- Cons: Denial of the rezoning request will not allow the property owner to develop and use the property in a desired manner.

Defer Consideration of the Rezoning Request – Provide staff with direction on the specific information the Board would like to receive.

- Pros: Would allow the property owner, staff and/or adjacent property owners to try and work out any concerns raised, if any.
- Cons: None.

*Any rezoning application, other than those initiated by Council or City Staff, which is denied by City Council may not be resubmitted within 12 months of the City Council decision unless the application is determined to be substantially changed under the procedures set forth in Section 136 of the City of Jacksonville Zoning Ordinance.

Legal Descriptions of Proposed Rezoning Boundaries

Johnny Avila

Tract on Ramsey Road

Jacksonville Township, Onslow County, NC

A certain tract of land on the North side of Ramsey Road about 2.6 miles East of Gum Branch Road and being more particularly described as follows:

Beginning at an iron stake found on the Northern Right-of-Way Line of Ramsey Road, NCSR 1324, 60 foot Right-of-Way; said iron stake having GPS Grid Coordinates of North= 393,516.386 and East= 2,473,869.221, said iron being the Southwest corner of the Avila property as recorded in Deed Book 3544, Page 214; **THENCE** from said point of beginning and leaving said Right-of-Way Line, North 08 degrees 26 minutes 03 seconds East, 450.31 feet to an iron pipe found, said iron pipe having GPS Grid Coordinates of North = 393,961.821 and East = 2,473,935.269; thence North 81 degrees 06 minutes 57 seconds East, 444.10 feet to a point; thence South 06 degrees 46 minutes 32 seconds West, 664.83 feet to a concrete filled pipe on the Northern Right-of-Way Line of Ramsey Road; thence with said Right-of-Way Line, North 63 degrees 44 minutes 22 seconds West, 50.04 feet to a point; thence North 65 degrees 25 minutes 38 seconds West, 58.89 feet to a point; thence North 67 degrees 49 minutes 56 seconds West, 56.58 feet to a point; thence North 70 degrees 01 minutes 12 seconds West, 57.42 feet to a point; thence North 72 degrees 08 minutes 23 seconds East, 59.76 feet to a point; thence North 74 degrees 07 minutes 23 seconds West, 58.97 feet to a point; thence North 76 degrees 36 minutes 47 seconds West, 60.96 feet to a point; thence North 78 degrees 24 minutes 18 seconds West, 49.69 feet to the point and place of beginning.

The described tract contains 5.45 acres, more or less, and being that property as recorded in Deed Book 3544, Page 214. All courses are referenced to North per GPS Grid North, NAD 83, 2007 Adjustment. This description being prepared by Parker & Associates, Inc. from survey and computed information and is for rezoning purposes Only.

Edwin N. Foley, P.L.S. L-2884

ENF/ rmh

C2. Land Desc. Avila. Tract on Ramsey Rd. Rezoning Desc.5.6.11

WORKSHEET FOR REZONING REQUESTS

Applicant: Johnny & Jennifer Avila

Property Location: 930 Ramsey Road

Tax Map and Parcel ID: 337-57

Existing zoning designation: Residential Agricultural 20 (20)

Proposed zoning designation: Conditional Use Business 1 (CU-B-1)

Proposed Conditions:

- Uses shall be limited to: Dwellings, single; Parking lot, private; Parking or storage of commercial vehicles; Taxi cab office or stand (commercial bus dispatch use).
- The property, upon development, will also exceed type "A" screening requirements by ten percent by placing additional buffering around perimeter of parking area such as opaque fencing with additional evergreen tree and shrubs, place an earthen berm at rear of parking area.
- The parking area will not to exceed one acre of land lot and remain 30 feet from adjacent unoccupied property at 936 Ramsey Rd (Map# 337-56, D.B 770 pg #833, owner Silva Russell) and 180 feet from adjacent property at 916 Ramsey Rd (Map #337-59, D.B 375 pg #356 owners C.L Funkhouser).

REASONABLENESS FINDINGS OF FACT:

<p>A. Size of the tract- The overall size of the tract of land proposed for rezoning is reasonable when compared to the size of the zoning district in which the subject property is located.</p>	Yes	No
<p>B. Compatibility with a comprehensive plan- The proposed rezoning is consistent with any comprehensive plan, small area plan or elements thereof.</p>	Yes	No
<p>C. Impact- The impact to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community.</p>	Yes	No
<p>D. Comparison of uses- The allowed uses within the proposed zoning district are similar or comparable to uses permitted as currently zoned.</p>	Yes	No

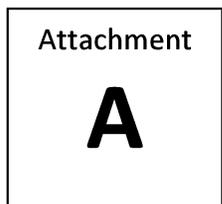
GRANTING THE REZONING REQUEST

Motion to grant the rezoning upon finding that the rezoning is reasonable considering one or more of the above findings of fact A-D being found in the affirmative and that the rezoning advances the public interest.

DENYING THE REZONING REQUEST

Motion to deny the rezoning upon finding that the proposed rezoning does not advance the public interest and is unreasonable due to the following:

- A. The size of the tract
- B. Incompatibility with the comprehensive plan
- C. Impact to surrounding community and immediate neighbors
- D. Proposed uses are dissimilar to those currently permitted



ORDINANCE (2011-)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina, that the Official Zoning Map for the City of Jacksonville and its Extraterritorial Jurisdiction, an element of the City of Jacksonville Zoning Ordinance, is hereby amended to reflect the rezoning of the subject parcel to Conditional Use Business 1 (CU-B-1I) as shown on the below map (Tax map and parcel id #337-57) and as described in the attached legal description. This CU- O&I district includes the following conditions

- Uses shall be limited to: Dwellings, single; Parking lot, private; Parking or storage of commercial vehicles; Taxi cab office or stand (commercial bus dispatch use).
- The property, upon development, will also exceed type "A" screening requirements by ten percent by placing additional buffering around perimeter of parking area such as opaque fencing with additional evergreen tree and shrubs, place an earthen berm at rear of parking area.
- The parking area will not exceed one acre of land lot and remain 30 feet from adjacent unoccupied property at 936 Ramsey Rd (Map# 337-56, D.B 770 pg #833, owner Silva Russell) and 180 feet from adjacent property at 916 Ramsey Rd (Map #337-59, D.B 375 pg#356 owner C.L Funkhouser).



This ordinance shall be in full force and effective upon its adoption. Adopted by the Jacksonville City Council in regular session on this 19th day of July 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

Attachment

B



Draft Planning Board Minutes – June 13, 2011

Agenda Item:	1
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Rezoning from RA-20 to CU-B-1 – 930 Ramsey Road

Gail Barman, Planner, stated that Johnny and Jennifer Avila have submitted a request to rezone one parcel totaling 5.45 acres from Residential Agricultural 20 (RA-20) to Conditional Use Business 1 (CU-B-1). The subject site is located at 930 Ramsey Road and is within the City's Extra Territorial Jurisdiction (ETJ). The applicant has requested the following conditions to the rezoning request:

Uses shall be limited to: Dwellings, single; Parking lot, private; Parking or storage of commercial vehicles; Taxi cab office or stand (commercial bus dispatch use).

The property, upon development, will also exceed type "A" screening requirements by ten percent by placing additional buffering around perimeter of parking area such as opaque fencing with additional evergreen tree and shrubs, place an earthen berm at rear of parking area.

The parking area will not exceed one acre of land lot and remain 30 feet from adjacent unoccupied property at 936 Ramsey Rd (Map# 337-56, D.B 770 pg #833, owner Silva Russell) and 180 feet from adjacent property at 916 Ramsey Rd (Map #337-59, D.B 375 pg#356 owner C.L Funkhouser).

In accordance with the North Carolina General Statutes, all property owners within 100 feet of the subject parcels will be notified of the proposed rezoning. In addition, Public Hearing Notifications will be posted in the Jacksonville Daily News advertising the public hearing of the rezoning. A courtesy notification was sent out informing these same owners about the Planning Board meeting.

Staff recommends denial of the rezoning request based on the Findings of Facts A, B, C, and D being found in the negative and that the rezoning does not advance the public interest.

Chairman Lesan asked to see some of the pictures again; he stated he saw some buses on the property. Ms. Barman replied yes they are on the subject property.

Mr. King referred to the history of the property, stating the applicant has begun utilizing the property for commercial bus storage, operating bus tours out of the property. The zoning enforcement officer sent a notice of violation which yielded a Board of Adjustment case for an interpretation and the Board of Adjustment upheld the enforcement action of the Zoning Enforcement officer. As a result of that the applicant is now requesting to rezone the property to a commercial

Attachment
C

land use to accommodate the business they had already begun.

Ms. Barman stated per the history you will see that on March 30, 2011 a citizen complaint started the process of a zoning Board of Adjustment case and the letter from of our Enforcement Officer.

Chairman Lesan asked how long they have been operating this business. Ms. Barman replied March 30, 2011 is the first we have learned of it through a citizen complaint. Ms. Wyrick asked is there a garage, are they repairing the buses. Ms. Barman stated Mr. Avila will come up and speak on this.

Mr. Avila stated the facts about his property. Mr. Avila stated they had plans to occupy the home once they finished remodeling. The buses began being parked there around February time frame. He wasn't aware that it had to be a commercial use on the land use to park the buses there. He stated that 'we do not do any repairs on the lot. We just park the buses there on the back side of the lot. As Mr. King stated our drivers do come and pick up the vehicles and take off. The primary use of the business is we service Camp Lejeune, Marine Corps Air Station, and New River Cherry Point.'

Chairman Lesan asked if there certain operational hours of use. Mr. Avila replied 'no sir; we don't have specific hours since we serve the military.' Chairman Lesan replied 'so it could be two or three in the morning.' Mr. Avila replied 'yes sir.'

Ms. VanderVere asked if Mr. Avila was currently living there. Mr. Avila stated 'no we do not.' Ms. VanderVere asked if it is used as an office. Mr. Avila replied 'no, and once Council approves then we will reside in the home. Since the neighbors have complained we feel it is not best to live there so there will be no confrontations.'

Mr. Williams asked how many buses are usually there. Mr. Avila replied 'as far as the usage we use six but we have twelve parked there.' Mr. Keyes asked where the repairs are done. Mr. Avila replied 'we outsource it.'

Ms. Wyrick asked if the buses need repair, how do the vehicles get off-site. Mr. Avila replied 'no we haven't had any tow trucks, but if it needed to be then yes.' Ms. Moore asked 'what other businesses are located in the area?' Mr. Avila replied 'Bait and Tackle which is the closest.'

Mr. Spring asked if the rezoning is subject to a protest petition. Mr. King replied that all rezoning is subject to a protest petition. Mr. King state that 'they have to turn that in within 48 hours of the public hearing day. For example City Council meeting on Tuesday night, it is due by 5pm on Thursday the week before. This gives us two business days, not including the day of the hearing to determine the validity of that protest petition.' Mr. Spring replied that would require a super majority of the City council to approve.

Ms. VanderVere asked how many complaints have they had about this? Mr. King replied 'based on the testimony at the Board of Adjustment there were Sheriff Reports produced, two or three that I remember.'

Mr. Keyes asked 'what if the property was under county jurisdiction, would it be zoned similar to what we have it zoned as?' Mr. King replied that would be speculative, based on the development patterns of the area. Mr. King continued 'the large acreage to the rear if I were a planner for the county and I had to assign this zoning classification it would be rural agricultural or low density low impact residential designation.' Mr. Keyes replied he was out there over the weekend and he noticed there were some homes going up there. Mr. Keyes stated if the rezoning case were approved it seems like it is an acre or exceeds an acre and this development would be required some kind of storm water retention.

Mr. Goodson stated its 5.45 acres. Mr. King stated the applicant limited the parking facility. Mr. King suggested 'It's probably for two reasons, one being to identify 'I'm not going to expand beyond the one acre area' and number two when you go over that one acre of disturbance the storm water regulations do kick in. I'm guessing those are the two main reasons he has capped that at one acre. To show the neighbors 'I'm not going to get any bigger than this' and also to eliminate the requirement for triggering that storm water pond.'

Mr. Avila replied the current size of the yard is now less than half acre. Mr. Avila stated 'by no means do we want to put a depot; it's mostly storage and to be able to operate the six vehicles that we use for operation.'

Chairman Lesan asked how long Mr. Avila has owned this property. Mr. Avila replied 'since January.'

Homer Spring moved to deny the rezoning request. Pauline Joos seconded the motion. The motion to deny the rezoning request was unanimously approved by the Board Members present.

Mr. King stated that 'with the upcoming July 4th holiday; City Council has canceled their July 5th meeting. So everything that is on your agenda tonight will be placed before City Council on July 19, 2011.'

Chairman Lesan allowed the public that wanted to leave an opportunity to leave prior to moving forward with the next agenda item.

Section 22. Residential/Agricultural 20 (RA-20) Zone

(Amended 5/6/98)

The RA-20 zone is designed for low-density residential and agricultural purposes, in a rural or near-rural setting, and is intended to insure that residential development without access to public water and/or sewer may take place in a manner, which provides a healthful environment. This district is designed to primarily govern land use in areas of the zoning jurisdiction least developed for urban purposes. This district also permits certain service and public uses as special uses which are common to a more rural setting, have large land requirements, or benefit from a low-density setting.

A. Minimum Lot Size

Subject to the provisions of this section, all lots in the Residential/Agricultural 20 (RA-20) Zone shall be a minimum of 20,000 square feet with the following exception:

If a lot has an area of less than the above minimum requirement and was of record on April 8, 1952, a single-family dwelling can be built upon it; provided, that the requirements of Section 96. Nonconformities are met.

B. Residential Density

1. Subject to the provisions of this section, all lots in the Residential/Agricultural 20 (RA-20) Zone shall be limited to one dwelling unit per lot.
2. Subject to the provisions of this section, all lots in the RA-20 Zone shall not exceed a lot coverage requirement of thirty (30) percent.

C. Minimum Lot Width

Subject to the provisions of this section, all lots in the RA-20 Zone shall have a minimum lot width of 50 feet at the minimum building line and a minimum street frontage of 25 feet.

D. Building Setback Requirements

Subject to the provisions of the section titled Residential Zones - General Provisions and this section, no portion of any building shall be located on any lot closer to any lot line than is authorized in the table set forth in this section.

Attachment

D

Section 22. Residential/Agricultural 20 (RA-20) Zone

Interior Lots:

Zone	Front (Right of Way) Setback	Rear Setback	Side Setback	Lot Coverage
RA-20	35 ft	35 ft	10 ft	30 %

Corner Lots:

Zone	Designated Front Setback (Right of Way)	Designated Side Setback (Right of Way)	Rear Setback	Side Setback	Lot Coverag e
RA-20	35 ft	20 ft	20 ft	20 ft	30 %

Double Frontage Lots:

Zone	Designated Front Setback (Right of Way)	Designated Rear Setback (Right of Way)	Side Setback	Lot Coverag e
RA-20	35 ft	35 ft	20 ft	30 %

E. Accessory Building Setback Requirements

All accessory buildings in the Residential Agricultural 20 (RA-20) Zone must comply with the lot setback requirements set forth in subsection D of this section with the exception of the side and rear setbacks which shall be a minimum of 5 feet.

F. Height Limitations

1. Building height in the RA-20 zone shall be limited to 35 feet.
2. Features exempt from the height limitations can be found in Section 16.

G. Additional Requirements:

The following uses are allowed as permitted uses in the RA-20 zone. However, the following uses shall additionally meet the requirements listed under each use before they can be permitted in the RA-20 zone.

Section 22. Residential/Agricultural 20 (RA-20) Zone

1. **Accessory workshops** for craftsmen, skilled technicians, or repairmen, upon the following requirements:
 - a. a Type A buffer be installed adjacent to neighboring properties;
 - b. that the front setback for the accessory building be a minimum of 50 feet; and in no case shall be closer to the right-of-way than the primary structure on the lot;
 - c. that the area devoted to the accessory use, including outside storage, not exceed seventy-five (75%) of the square footage of the primary structure or use; and
 - d. that any outside storage be screened from view from any public right-of-way.

2. **Horse Stables, private and public:** shall meet the requirements of Section 90. Provisions for Horse Stables.

H. Permitted Uses:

Accessory workshops
Agricultural and horticultural operations, including the sale of produce at roadside stands
Community Docking Facility (Minor) *(Amended 6/5/07)*
Family Care Homes *(Amended 7/17/07)*
Family Childcare Homes
(Amended 3/16/04)
Home Occupations
Horse Stables
Mobile Homes, One unit per lot
Recreational facilities such as golf courses, playgrounds, parks, community centers, swimming pools, and similar recreation uses.
Residence, Single-family detached, One dwelling unit per lot
Telecommunications Antenna, Collocation on Existing Tower *(Amended 10/6/09)*
Telecommunications Antenna, Placement on Existing Building *(Amended 10/6/09)*
Telecommunications Tower, Stealth *(Amended 10/6/09)*
Temporary real-estate/construction offices
Temporary refreshment stands
Utility, Minor *(Amended 4/20/10)*

I. Special Uses

Assembly buildings and lodges
Cemeteries, public and private
Churches and other religious uses* *(Amended 1/4/11)*
Community Docking Facility (Major) *(Amended 6/5/07)*
Day care centers, nurseries, and pre-schools* *(Amended 1/4/11)*
Governmental uses such as offices, and emergency facilities

Section 22. Residential/Agricultural 20 (RA-20) Zone

Homes for the elderly, convalescent homes, orphanages, and institutions for the care of the handicapped

Mobile Home Parks

Telecommunications Tower, Freestanding

(Amended 10/6/09)

* Will require special use permit if located in the Flight Path Overlay District. Special use for day care center and nurseries is only required if more than 30 children, assembly halls and coliseums if more than 150 seats, hotels and motels if more than 3 stories, retail establishments or department and variety stores if more than 500,000 square feet.

(Amended 1/4/11)

Section 73. Business 1 (B-1) Zone

Section 73. Business 1 (B-1) Zone

(Amended 4/19/11)

The Business 1 Zone is established to accommodate businesses with a larger variety of services than those found in Neighborhood Business. It is intended to include such businesses that would be oriented to a shopping center or mall. This zone was intended for other uses such as newspaper offices, automotive repair garages, and similar establishments with a heavier concentration of business, still requiring off-street parking.

A. **Height regulations.** In the Business I Zone every building erected or structurally altered to exceed 50 feet in height, shall, above such height, be set back from the front lot line on the ratio of 1 foot for each 2 foot rise over 50 feet in height.

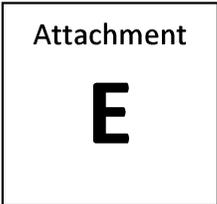
B. **Area regulations.**

I. Buildings erected in Business Zone I for dwelling purposes exclusively shall comply with the side yard requirements of the RM-5 Residential Multi-Family Zone. Multiple dwellings or apartments shall comply with requirements of the Office and Institutional Zone. (Multiple family dwellings in accordance with the setback requirements of the RM-5 Residential Multi-Family Zone. There shall be no limit to the amount of units or number of buildings that may be placed on 1 lot except that there must be at least 1½ automobile parking spaces, not to be located within the setback requirements, provided for each living unit.)

All lots shall comply with the applicable Areas of Environmental Concern (AEC) Standards, as amended, in accordance with the State Guidelines for AECs (15 NCAC 7H) pursuant to the C.A.M.A. of 1974.

2. Where a building is erected for mixed use, namely, for both dwelling and business purposes, each story of such building used in any part for dwelling purposes, shall, if more than 2 rooms in depth, be provided with 2 side yards, 1 on each side of the building, neither of which shall be less than 6 feet in width; provided, however, that this regulation shall not apply to the street side of a corner lot.

3. Where a lot abuts upon the side of a lot zoned residential there shall be a side yard of not less than 6 feet in width.



Section 73. Business 1 (B-1) Zone

C. Right-of-way Setback Requirements

1. **Right-of-way Setback:** Buildings shall be set back at least 50 feet from the right-of-way of all major or minor thoroughfares, as depicted on the amended City of Jacksonville Thoroughfare Plan. When fronting on any other private or public roads, buildings shall be setback at least 35 feet from the right-of-way. An existing building that intrudes into the required setback may expand, but no additional construction shall be placed in any required setback unless the site qualifies under Limited Setback Exceptions below, and all other provisions of this ordinance shall be observed.
2. **Limited Setback Exceptions:** In situations where a non-residential building site is located within 250 feet of a pre-existing primary use structure that is fronting on the same right-of-way boundary, where such pre-existing structure has legally been established within the setback area stipulated in paragraph (1) above, new construction on said building site may locate closer to the right-of-way boundary than the required setback distances identified in paragraph (1), provided that: 1) the new construction be no closer to the right-of-way boundary than the identified adjacent structure located within 250 feet of the subject building site, and that 2) in no case shall any new construction on any lot be located closer than 25 feet from the right-of-way boundary except for 3) the Bell Fork Road corridor between US Highway 17 and NC 24 which in no case shall any new construction on any lot be located closer than 5 feet from the right-of-way or future right-of-way boundary.
3. **Corner lots:** Buildings constructed on corner lots shall setback no less than 35 feet from its non-frontage lot line abutting any public or private road that is not a major or minor thoroughfare.
4. **Double frontage lots:** No buildings, including accessory structures, constructed on a double frontage lot, shall be permitted within 35 feet of its rear lot line.
5. **Parking:** Parking spaces and the installation of permitted signs shall be allowed in the required setback of all lots, however, no portion of any parking space shall be allowed within 5 feet of the right-of-way. This 5foot space shall be maintained as a planting strip for shrubbery and other similar landscaping vegetation, with the exception of an approved driveway(s) servicing the property.

Section 73. Business 1 (B-1) Zone

D. Driveway Limitations

1. Two driveways entering the same street from a single lot shall be permitted only if the minimum distance between the closest edges of the driveways equals or exceeds 50 feet.
2. Three driveways entering the same street from a single lot shall be permitted only if the minimum distance between the closest edges of the driveways equals or exceeds 150 feet.
3. Four or more driveways entering the same street from a single lot shall be prohibited.
4. In no case may the total width of all driveways exceed 50% of the total property frontage.
5. No driveway (nearest edge) shall be located within 10 feet of a side lot property line except in the case of a shared driveway (single curb cut/access point) utilized by two or more lots.
6. No driveway (nearest edge) shall be located within 50 feet of an intersection except in the case where no other lot access to a public street or City approved private road is available.
7. Driveways (at street) are required to be setback 100 feet from a property boundary zoned single family residential when the street primarily serves the residential zone. Driveways (at street) can be permitted closer than 100 feet if approved in conjunction with a special/conditional use permit.

E. Permitted Uses:

Accessory uses
Adult Establishments*
Alcoholic beverage, package and retail sales
Animal hospitals
Apartments
Assembly halls and coliseums**
Arcade
Art galleries
Automobile sales lots, new and used
Bakery, retail
Banks
Beauty schools

Section 73. Business 1 (B-1) Zone

Boarding houses
Builders supply and equipment sales
Bulletin boards, public, non-commercial
Bus terminals
Churches**
Clinics
Clubs, lodges and other civic organizations, operating on a non-profit basis
Colleges or universities**
Day care centers and nurseries**
Department and variety stores**
Drive-in or outdoor picture show
Dry cleaning and laundry facilities
Dwellings, multiple
Dwellings, single
Family Care Homes
Family Childcare Homes
Florist
Funeral homes and mortuaries
Garages, automotive repair
Garages, private
Governmental uses and operations such as fire stations, maintenance and operations facilities, and similar governmental facilities
Greenhouses or horticultural gardens, commercial
Greenhouses or horticultural gardens, non-commercial
Group Homes
Heavy equipment sales and service
Highrise apartments
Home occupation
Hospitals**
Hotels and motels**
Ice House
Institutions, charitable
Library, public
Lumberyard, retail sales
Machine shops
Meat processing and packing, other than slaughter
Mobile home sales and service
Museums, public**
Newspaper offices
News stands
Nurseries, non-commercial
Nursing homes**
Offices - business, professional, and public

Parking garages, private
 Parking garages, public
 Parking lot, private
 Parking lot, public
 Parking or storage of commercial vehicles
 Parking or storage of construction vehicles and equipment
 Parks and playgrounds, private
 Parks and playgrounds, public
 Pet shops
 Pets, not objectionable because of odor, noise or health hazard
 Pharmacy
 Photographic studios and camera supply
 Poultry, non-commercial
 Printing and reproducing
 Public utilities substations, storage and service yards
 Recreation centers
 Recycling collection points
 Rest homes**
 Restaurants
 Retail establishments such as hardware, appliance, notions, jewelry, music, art, antique, gift, sporting goods, hobby, etc.**
 Rubber plant, tire recapping**
 Schools, private, with same curriculum as public schools**
 Schools, public**
 Service shops, such as beauty, barber, shoe repair, radio repair, etc.
 Service stations
 Sign or outdoor advertising structures⁵
 Storage yard for building materials
 Studios for artists, designers, photographers, and other similar activities
 Tailor, dressmaking and millinery shops
 Taxi cab office or stand
 Telecommunications Antenna, Collocation on Existing Tower
 Telecommunications Antenna, Placement on Existing Building
 Telecommunications Tower, Stealth
 Telecommunications Tower, Freestanding
 Theaters, indoor**
 Utility, Minor
 Vegetable gardens, non-commercial

F. Special Uses¹

Any use within an existing or proposed building/structure greater than two (2) stories or thirty (30) feet in height, when adjacent to a different type of land use as identified in Section 115 Screening and Bufferyard Standards

Any use with a drive thru when adjacent to a different type of land use as identified in Section 115 Screening and Bufferyard Standards, unless the associated apparatus is located at least 100 feet away from the property boundary of dissimilar use.

Arcade, adult

Flex space

Homeless shelter/missions

Nightclubs/dance halls/discotheques

Taverns/ bar

Temporary refreshment stands

Warehouses, personal storage

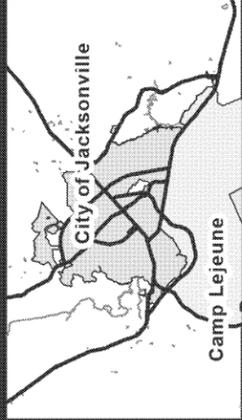
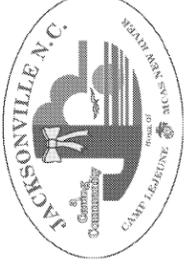
* All adult establishments shall meet the requirements of Section 107. Regulation of Adult Establishments.

¹Special Uses (see details in zone text)

⁵See size requirements

** Will require special use permit if located in the Flight Path Overlay District. Special use for day care center and nurseries is only required if more than 30 children, assembly halls and coliseums if more than 150 seats, hotels and motels if more than 3 stories, retail establishments or department and variety stores if more than 500,000 square feet.

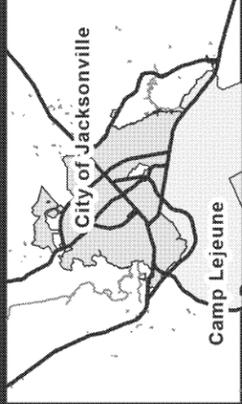
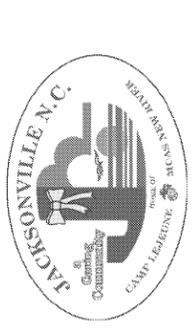
930 Ramsey Road - Existing Zoning



Legend	
	930 Ramsey Road
Zoning Districts	
	B-1
	B-2
	CBD
	CU-B
	CU-B-1
	CU-B-2
	CU-NB
	CU-O&I
	CU-RA-20
	CU-TCA
	IND
	IMR
	NB
	O&I
	OMU
	R-7
	R-O
	RA-20
	RD-3
	RD-5
	RM-5
	RM-6
	RS-10
	RS-12
	RS-5
	RS-6
	RS-7
	TCA
	WATER

Attachment
F





Legend

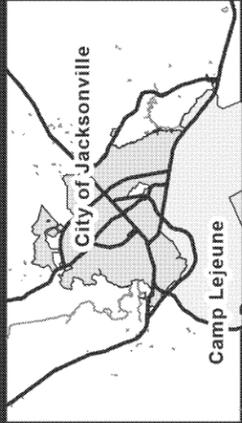
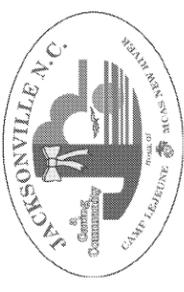
- 930 Ramsey Road
- GME Future Land Use**
- FLU
- Camp Lejeune
- Conservation
- Park
- Low Density Residential
- Moderate Density Residential
- High Density Residential
- Institutional/Public
- Public
- Office
- Mixed Use
- Neighborhood Commercial
- Regional Commercial
- Industrial

Attachment
H

930 Ramsey Road -GME Future Land Use

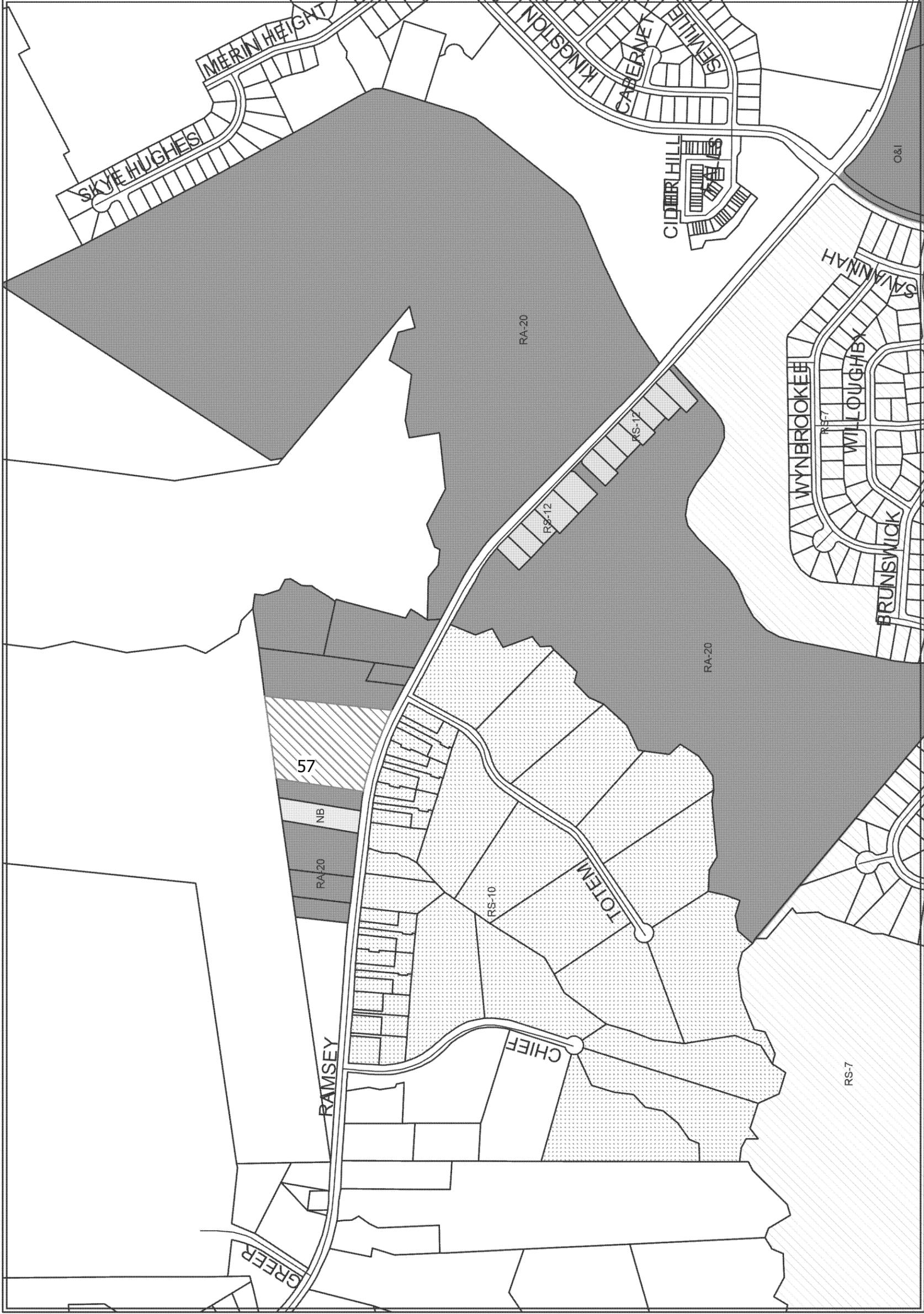


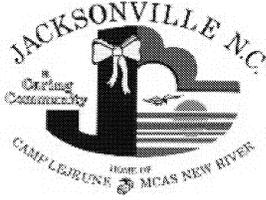
930 Ramsey Road - Proposed Zoning



Legend	
	930 Ramsey Road
Zoning Districts	
	B-1
	B-2
	CBD
	CU-B
	CU-B-1
	CU-B-2
	CU-NB
	CU-O&I
	CU-RA-20
	CU-TCA
	IND
	IMR
	NB
	O&I
	OMU
	R-7
	R-O
	RA-20
	RD-3
	RD-5
	RM-5
	RM-6
	RS-10
	RS-12
	RS-5
	RS-6
	RS-7
	TCA
	WATER

Attachment
I





Request for City Council Action

Agenda Item:	2
Date:	7/19/2011

Subject: Public Hearing – (*Legislative*) - Coastal Area Management Act (CAMA) Land Use Plan

Department: Planning & Development Services

Presented by: Mary Sertell, Senior Planner

Presentation: Yes

Issue Statement

Pursuant to State of North Carolina requirements in the Coastal Area Management Act, Jacksonville staff, residents, and consultants have created an update to the 1999 CAMA Land Use Plan. This updated Plan reflects demographic, environmental and development trends as well as goals, policies and maps to guide future development

Financial Impact

None

Action Needed

Conduct a Public Hearing

Consideration of the CAMA Land Use Plan

Recommendation

Staff recommends City Council move to adopt the CAMA Land Use Plan and substitute it for the Growth Management Element.

Approved: City Manager City Attorney

Attachments:

- A Proposed Resolution
- B Draft Planning Board Minutes – July 11, 2011
The Jacksonville CAMA Land Use Plan (Previously provided)



Staff Report

CAMA Land Use Plan

Introduction

The CAMA Land Use Plan fulfills both short-term and long-term planning functions for the City. It is one of the foundations for all land use and development decisions made by the City and should be referred to by both City staff and decision-makers when making decisions about development applications and other land uses issues.

In the short-term, the Plan is used as:

- A reference for applicants in evaluating the types of development that are desired by the City; and
- A guide for elected and appointed decision-makers for taking action on development applications which come before them.

The Plan also functions as a long-term guide for decisions about capital expenditures and facilities. The Plan provides guidance for possible revisions to the City's development regulations and other management tools. It also includes an action plan for City staff in determining new projects and programs that will support the implementation of the Plan and actualization of its stated goals.

The CAMA Land Use Plan will replace *The Growth Management Element*

Procedural History

- 1999- First CAMA Land Use Plan adopted by Jacksonville City Council and certified by the Coastal Resources Commission.
- 2007- Jacksonville City Council adopts its first comprehensive plan, *The Growth Management Element*
- 2008- City of Jacksonville begins update to 1999 CAMA Plan
- 2009- Council, Steering Committee and NC DCM reviews Plan and provide feedback
- 2011- Re-review, study and updates to Plan
- July 11, 2011- Planning Board recommended approval of the Plan
- July 19, 2011- City Council will consider adopting the Plan

Stakeholders

- Property owners, business owners and residents in Jacksonville
- City of Jacksonville

Options

Adopt the CAMA Land Use Plan (**RECOMMENDED**).

- Pros: Adopting the Plan will put Jacksonville in compliance with CAMA policies. Adoption will also clarify City policies and eliminate discrepancies between different future land use plans and provide residents, the development community and staff with a clear direction for long range planning and implementation.
- Cons: The proposed plan may not capture the desired future improvements for every neighborhood resident and/ or property owner. However, the Plan may be amended in the future to reflect changing goals and priorities.

Deny Adoption of the CAMA Land Use Plan

- Pros: None
- Cons: Denial will provide the City and State with an outdated Plan from 12 years earlier. Denial will also eliminate the opportunity to implement a future land use plan that considers recent, existing and future growth trends.

Defer Consideration of the endorsement request – (Provide staff with direction on the specific information Planning Board would like to receive).

- Pros: Would allow Staff sufficient time to address any concerns the Board, property owners, or Jacksonville residents may have.
- Cons: None.

RESOLUTION (2011-)

RESOLUTION OF THE CITY OF JACKSONVILLE, NORTH CAROLINA
ADOPTING THE CITY'S CAMA CORE LAND USE PLAN

WHEREAS, the Town's CAMA Core Land Use Plan was financed in part through a grant provided by the North Carolina Coastal Management Program through funds provided by the Coastal Zone Management Act of 1972, as amended, which is administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration; and

WHEREAS, from 2008 through 2011, the Town drafted a Land Use Plan with the assistance of its consultant, Planning Works, and conducted a series of public workshops and meetings as part of a comprehensive public participation program under the leadership of the CAMA Land Use Plan Committee; and

WHEREAS, on July 11, 2011 the Planning Board recommended adoption of the draft CAMA Core Land Use Plan; and

WHEREAS, at a duly advertised Regular Meeting on July 19, 2011 the City Council held a public hearing on the draft CAMA Core Land Use Plan; and

WHEREAS, at the Regular Meeting on July 19, 2011 the City Council of Jacksonville, North Carolina found the policies in the draft CAMA Core Land Use Plan to be internally consistent; and

WHEREAS, at the Regular Meeting on July 19, 2011 the City Council of Jacksonville, North Carolina found the policies and Future Land Use Map in the draft CAMA Core Land Use Plan to be consistent with the County's desired vision for the future and unanimously approved to adopt the draft CAMA Core Land Use Plan as amended; and

WHEREAS, the adopted Plan will be submitted as required by State law to the Morehead City District Planner for the Division of Coastal Management under the North Carolina Department of Environmental and Natural Resources and forwarded to the Coastal Resources Commission for certification; and

WHEREAS, a certified Jacksonville, NC CAMA Core Land Use Plan will be forwarded to the Office of Ocean and Coastal Resource Management (OCRM) for federal approval.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Jacksonville, North Carolina, has unanimously adopted the draft CAMA Core Land Use Plan; and

BE IT FURTHER RESOLVED that the City Manager of Jacksonville is hereby authorized to submit the adopted CAMA Core Land Use Plan to the State for certification as described above.

Adopted in regular session, this 19th day of July, 2011.

ATTEST:

Carmen K. Miracle, City Clerk

Sammy Phillips, Mayor

Attachment

A



Draft Planning Board Minutes – July 11, 2011

Agenda Item:	2
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CAMA Land Use Plan

The CAMA Land Use Plan fulfills both short-term and long-term functions for the City. It is one of the foundations for all land use and development decisions made by the City and should be referred to by both City staff and decision-makers when making decisions about development applications and other land uses issues.

In the short-term, the Plan is used as:

A reference for applicants in evaluating the types of development that are desired by the City; and

A guide for elected and appointed decision-makers for taking action on development applications that come before them.

The Plan also functions as a long-term guide for decisions about capital expenditures and facilities. The Plan provides guidance about possible revisions to the City's development regulations and other management tools. It also includes an action plan for City staff in determining new projects and programs that will support the implementation of the Plan and actualization of its stated goals.

The CAMA Land Use Plan will replace The Growth Management Element. Staff recommends adopting the CAMA Land Use Plan.

Mr. Quinn stated "For clarity, moving through this process we will be able to retire the growth management and no more juggling two maps when we want to change zoning and you will be coming in by-annually to update the map?" Ms. Sertell replied "yes." Mr. Quinn asked "will we still have to ask for two maps?" Ms. Sertell stated that map updates will be handled once a year.

Mr. Spring stated on exhibit 38 there was no category description for park. Ms. Sertell replied that is an oversight and the error will be corrected. Mr. Quinn asked if park comes under the conservation category? Ms. Sertell stated there should be a separate category for park.

Chuck Quinn moved to approve adopting the CAMA Land Use Plan. Alfred Keyes seconded the motion.

The motion to approve adopting the CAMA Land Use Plan was unanimously approved by the Board Members present.

Attachment B



Request for City Council Action

Agenda Item:	3
Date:	7/19/2011

Subject: Public Hearing (*Quasi-Judicial*) – Conditional Use Permit and Site Plan – Carolina Ale House – 1649 Western Boulevard

Department: Development Services

Presented by: Jeremy Smith, Senior Planner

Presentation: Yes

Issue Statement

HagerSmith Design has submitted a Conditional Use Permit and Site Plan application for a proposed 9,887 square foot restaurant. The 2.29 acre development site is located at 1649 Western Boulevard and within the City limits. The property is zoned Conditional Use-Business-1 (CU-B-1) and within this district any use requires a Conditional Use Permit.

Financial Impact

None

Action Needed

Conduct Public Hearing

Consideration of the Conditional Use Permit and Site Plan

Recommendation

Planning Board and City staff recommend Council move to approve the Conditional Use Permit and Site Plan with conditions noted in the staff report.

Approved: City Manager City Attorney

Exhibits:

- A Special/ Conditional Use Permit Worksheet
- B June 13, 2011 Planning Board Minutes
- C TRC Comment Sheet
- D Zoning and Land Use Map
- E Site Plan



Staff Report

Public Hearing (*Quasi-Judicial*) – Conditional Use Permit and Site Plan
Carolina Ale House – 1649 Western Boulevard

Introduction

HagerSmith Design has submitted a Conditional Use Permit and Site Plan application for a proposed 9,887 square foot restaurant. The 2.29 acre development site is located at 1649 Western Boulevard and within the City limits. The property is zoned Conditional Use-Business-1 (CU-B-1) and within this district any use requires a Conditional Use Permit.

Procedural History

- On May 9, 2011 HagerSmith Designs submitted this application
- On June 13, 2011 the Planning Board recommended approval of this request
- On July 19, 2011 the City Council will conduct a public hearing and consider this request.

Stakeholders

- LM Restaurants – Developer
- Jacksonville Hospitality Land Development – Property Owner
- HagerSmith Designs – Applicant/Design Professional
- Parker and Associates – Surveyor/Engineer
- Smith2Architecture + Design – Architect
- Adjacent Property Owners – Per the City of Jacksonville Zoning Ordinance, all property owners within 200 feet of the subject parcel have been notified of the proposed public hearing conducted by City Council. Furthermore, have been posted on site and legal ads published in the local newspaper.

Land Use Assessment

Adopted CAMA Land Use Plan (1999)

The adopted CAMA Plan from 1999 identifies the area's land classification as "Urban Transition." Areas that are identified as "urban transition" are presently being developed for urban purposes or will be in the next five to ten years. "Urban transition" land accommodates a variety of uses from residential, commercial, industrial and other land uses at high or moderate densities in excess of 3 units per acre.

While the 1999 Plan is the City's only adopted CAMA Plan at this time, the age of the plan should be recognized and as such and the Plan's broad nature should be viewed as a historical document instead of a true guide for future growth and development.

The Growth Management Element Plan Future Land Use Map (2007)

The Growth Management Element Plan (GME) identifies the subject parcels as Regional Commercial (RC) in its Future Land Use Map.

Regional Commercial Intended for services, large-scale retail and wholesaling activities which serve the entire community and the region. RC areas should have access to a major thoroughfare.

The GMP Future Land Use Map is sometimes an accurate depiction of current land uses in Jacksonville, but it sometimes does not take into consideration future growth patterns and trends. Because of this short-term land use approach, all Future Land Use Amendments should consider previously adopted plans, the GMP Map and existing and proposed development trends in the general area.

Evaluation

Staff believes that the proposed project's land use is consistent with the GME FLU Map & Plan. Further, the proposed development and its associated land use are complementary to the surrounding designated land uses of the draft CAMA Plan.

Zoning Assessment

The proposed development is within the City limits and is zoned Conditional Use Business-1 (CU-B-1). It is bordered to the north across Western Boulevard by a vacant tract, zoned CU-B-1, to the south and east by undeveloped property zoned Business-1 (B-1), and to the west by undeveloped property that has obtained site plan approval for a hotel and restaurant, zoned CU-B-1.

Sewer Allocation Assessment

The proposed development will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

Parking Assessment

Per section 102, restaurants are required 1 space per every 4 persons that the facilities are designed to accommodate when fully utilized. The developer is only required 102 spaces; however, they are providing 163 spaces.

Merits of the Conditional Use Permit

Pursuant to Section 118, Special and Conditional Use Permits, of the Zoning Ordinance, staff submits the following findings of fact:

- a. The proposed use is an acceptable use in the zoning district it is being located in;

Staff findings: The property is zoned Conditional Use Business 1 (CU-B-1) within this zoning districts restaurants are a permitted use; however, because of the zoning a Conditional Use Permit is required.

- b. The application is complete;

Staff findings: The necessary applications, fees, conditional use permit have been submitted in accordance with City policies and procedures.

- c. The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements;

Staff findings: Staff believes that the proposed project's land use is consistent with the GME FLU Map & Plan. Further, the proposed development and its associated land use are complementary to the surrounding designated land uses of the draft CAMA Plan.

- d. Streets, driveways, parking lots, traffic control and any other traffic circulation features are designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be appropriate for the conditional use;

Staff findings: City staff has determined that the use plan provided does not meet all applicable standards. Several changes are necessary in order for approval to be granted. In addition, specific design standards and criteria will be addressed and reviewed in greater detail once the site plan has been submitted.

Conditions of Site Plan:

1. Revise the site plan per TRC Comments in Exhibit B.
2. Submit a recombination for the proposed development lot prior to the issuance of a building permit.

- e. The proposed conditional use will not substantially injure the value of adjoining or abutting properties;

Staff findings: The proposed development is within the City limits and is zoned Conditional Use Business-1 (CU-B-1). It is bordered to the north across Western Boulevard by a vacant tract, zoned CU-B-1, to the south and east by undeveloped property zoned Business-1 (B-1), and to the west by undeveloped property that has obtained site plan approval for a hotel and restaurant, zoned CU-B-1.

Staff has neither found nor been presented with any evidence that the proposed use would substantially injure the value of adjoining or abutting properties.

- f. The proposed conditional use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area;

Staff findings: The proposed development is within the City limits and is zoned Conditional Use Business-1 (CU-B-1). It is bordered to the north across Western Boulevard by a vacant tract, zoned CU-B-1, to the south and east by undeveloped property zoned Business-1 (B-1), and to the west by undeveloped property that has obtained site plan approval for a hotel and restaurant, zoned CU-B-1.

Staff has neither found or been presented with any evidence that the proposed use is not compatible and in harmony with adjoining land uses and the development pattern of the immediate area.

- g. The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

Staff findings: Staff has not been presented with any evidence that the proposed use would materially endanger the public health or safety if located where proposed.

Options

- A.** Approve the Conditional Use Permit and Site Plan as presented.

- Pros: None
- Cons: There are several requirements and conditions that are needed to meet all City ordinances.

- B.** Approve the Conditional Use Permit and Site Plan with revisions and recommended conditions. **(RECOMMENDED)**

- Pros: Allows the process to move forward while ensuring the use plan is revised to meet ordinances and that staff recommendations are met.
- Cons: None

Conditions of Site Plan:

1. Revise the site plan per TRC Comments in Exhibit B.
2. Submit a recombination for the proposed development lot prior to the issuance of a building permit.

- C.** Deny the Conditional Use Permit and Site Plan request.

- Pros: There are several requirements and conditions that are needed to meet all City ordinances.
- Cons: The outstanding issues can be address by working with staff.

- D.** Defer Consideration of the request.

- Pros: Deferral would allow staff sufficient time to address any concerns the City Council may have.
- Cons: None.

WORKSHEET FOR CONDITIONAL USE PERMITS

Applicant: HagerSmith Design

Location: 1649 Western Boulevard Map (Book/Page 35/117) (Tax map and parcel 345-9.5)

Proposed Use of Property: Restaurant

1. FINDINGS OF FACT

a.	The application is complete	Yes	No
b.	The proposed use is an allowable Conditional use in the zoning district it is being located in	Yes	No
c.	The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements	Yes	No
d.	Streets, driveways, parking lots, traffic control and other traffic circulation features shall be designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be adequate for the proposed Conditional use	Yes	No
e.	The proposed Conditional use will not substantially injure the value of adjoining or abutting properties	Yes	No
f.	The proposed Conditional use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area	Yes	No
g.	The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.	Yes	No

2. GRANTING THE CONDITIONAL USE PERMIT

Motion to grant the Special/Conditional use permit based on items (a) through (g) found to be affirmative.

- ___ The Special/Conditional Use Permit is granted, subject to the following conditions:
- 1) The applicant shall complete the development strictly in accordance with the plans submitted to an approved by City Council.
 - 2) If any conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect: _____

3. DENYING THE CONDITIONAL USE PERMIT

motion to deny based on:

- ___ The Application is denied because, if completed as proposed, the development more probably than not: _____
- ___ Will not be in conformity with the City's land use plan and other comprehensive plan elements for the following reasons: _____
- ___ Will substantially injure the value of adjoining or abutting properties for the following reasons: _____
- ___ Will not be compatible and not be in harmony with adjoining land uses and the development pattern of the immediate area for the following reasons: _____

Exhibit A



Planning Board Minutes – June 13, 2011

Agenda Item:	3
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Public Hearing (*Quasi-Judicial*) – Conditional Use Permit and Site Plan – Carolina Ale House
– 1649 Western Boulevard

HagerSmith Design has submitted a Conditional Use Permit and Site Plan application for a proposed 9,887 square foot restaurant. The 2.29 acre development site is located at 1649 Western Boulevard and within the City limits. The property is zoned Conditional Use-Business-1 (CU-B-1) and within this district any use requires a Conditional Use Permit.

The adopted CAMA Plan from 1999 identifies the area's land classification as "Urban Transition." Areas that are identified as "urban transition" are presently being developed for urban purposes or will be in the next five to ten years. "Urban transition" land accommodates a variety of uses from residential, commercial, industrial and other land uses at high or moderate densities in excess of 3 units per acre.

While the 1999 Plan is the City's only adopted CAMA Plan at this time, the age of the plan should be recognized and as such and the Plan's broad nature should be viewed as a historical document instead of a true guide for future growth and development.

City staff recommends the Planning Board move to approve the Conditional Use Permit and Site Plan with conditions noted in the staff report.

Mr. King informed the Planning Board that the site plan on the screen is what it should have looked like in their packet, but during the printing process some lines were left off. Mr. Keyes asked to see the picture again.

Vice Chairperson Sandra Wyrick moved to approve the Conditional Use Permit and Site Plan with conditions noted in the staff report. Homer Spring seconded the motion.

The motion to approve the Conditional Use Permit and Site Plan with conditions noted in the staff report was unanimously approved by the Board Members present.

Mr. Spring asked is the Hampton Inn Way going to connect to the Western Parkway. Mr. King replied it is being called the Jacksonville Parkway now. It will tie into the Gateway Drive South which is another lighted intersection which is behind the Olive Garden and Chic Filet.

Exhibit

B



TRC Comment Sheet

DATE: 5/19/2011
TYPE: SITE PLAN
FILE NUMBER: 11-90000025
FILE NAME: CAROLINA ALE HOUSE
APPLICANT: HAGERSMITH DESIGN

DEPARTMENT: Development Services
DIVISION: Planning
PLAN REVIEWER: ABAGAIL BARMAN

Site Plan

- Label materials building will be constructed with
- Show all easements labeling purpose, width, and public or private
- Remove setbacks and data or state per developer, only 50' is required by the zoning ordinance
- Add note stating exterior lighting will be part of an over all development plan

Existing Conditions

- Clearly show property lines are they will be after recording
- Label existing site like adjacent sites
- Show wooded areas
- Add open space percentage
- Show traffic patterns
- Remove Hampton Inn Suites site as it is still proposed and not built

DEPARTMENT: Development Services
DIVISION: Planning - Addressing
PLAN REVIEWER: Pam Cunningham

Address labeled on plans as requested. Approved as presented.

DEPARTMENT: Public Services
DIVISION: Streets – Signs
PLAN REVIEWER: Anthony Day

Place stop signs at all parking lot exits. Use R1-1 30" High Intensity Prismatic Stop signs, Mounting height is 7' to the bottom of the sign. U-Channel posts should be used.

All crosswalks shall meet the MUTCD, NCDOT Standard Highway Drawings, (Sheet 1205.07 for a High Visibility crosswalk. All Pavement markings on City Streets will be Thermo-Plastic. (Bars should be 2 ft wide and 10 ft long).

Exhibit

C

Revised plans Reviewed & Approved with no additional comments.

DEPARTMENT: Planning and Development Services
DIVISION: Building Inspection
PLAN REVIEWER: Kelly Gurganus

CAROLINA ALE HOUSE
NO COMMENTS 6-1-11

DEPARTMENT: Public Services
DIVISION: Engineering - Utilities
PLAN REVIEWER: Michael Moore

ALE HOUSE (5/31/2011)

APPROVED WITH COMMENTS:

COMMENTS:

THE DOWNSTREAM SEWER MUST BE INSTALLED AND CERTIFIED PRIOR TO METER SET APPROVAL AND ISSUANCE OF CERTIFICATE TO OCCUPY.

- A. A Sewer Flow Permit Modification may be required to adjust the flow of the Padgett Tract Subdivision

SEWER ALLOCATION REQUEST HAS NOT YET BEEN SUBMITTED AND APPROVED

- A. This development qualifies as a **Tier 1** project in accordance with the Sewer Allocation Policy. A Sewer Allocation Request Form must be submitted to Michael Moore in the Public Services Engineering Department. A copy of the Sewer Allocation Policy and the Sewer Allocation Request Form are available on the City of Jacksonville website at www.ci.jacksonville.nc.us and are located in the **Engineering and Construction** section under **Government & City Services**.

Revisions may trigger additional comments.

DEPARTMENT: Public Services
DIVISION: Engineering - Works
PLAN REVIEWER: Tom Anderson

The revised plan for Carolina Ale House stamped received May 31, 2011 is approved by the Public Works Section. The detail for curb inlet catch basin with temporary rock filter is still not drawn in accordance with detail 6.50 in the states erosion control planning manual but that will be corrected during the erosion control permitting process.

DEPARTMENT: NCDOT
PLAN REVIEWER: Robert Vause

NCDOT Roadway improvements on the Parkway will be required.

In evaluating the trip generation numbers for the proposed Carolina Ale House plus the Hotel, the previously recommended 150' of full storage for the right turn lane on the new parkway will be sufficient without extension. Once addition development occurs, then an extension will be required.

TYPE: SITE PLAN
FILE NUMBER: 11-90000025
FILE NAME:CAROLINA ALE HOUSE
APPLICANT: HAGERSMITH DESIGN

No TIA required

DEPARTMENT: Police Department
DIVISION: East
PLAN REVIEWER: Sean Magill, Traffic Lt

Revisions approved as submitted.

DEPARTMENT: Progress Energy Carolinas Inc.
PLAN REVIEWER: Jackie Lee

No comments received by TRC

DEPARTMENT: Public Services
DIVISION: Sanitation
PLAN REVIEWER: Kerry Terrell

Carolina Ale House
11-90000025

6/1/2011

As per TRC comments from customer and site plans received on May 31, 2011, comments and changes approved by the Sanitation Division.

The City of Jacksonville has a commercial recycling program and the contractor that operates that program can supply the recycling dumpster.

DEPARTMENT: Planning & Development Services
DIVISION: MPO Division
PLAN REVIEWER:Adrienne McTigue, amctigue@ci.jacksonville.nc.us, 910.938.5073

Review Date: 6/06/11
 TRC Review Date: 5/12/11

Project: Carolina Ale House
 COJ Project #: 11-80000025
 Proposed Address: 1649 Western Boulevard

1. Proposed project site must comply with TIA waiver requirements as agreed upon between City of Jacksonville, NCDOT, and applicant.
2. Handicap ramps along sidewalk located near handicap parking are not clearly identified. Handicap ramp located at crosswalk closest to intersection of Hampton Inn Way and future Western Parkway not clearly identified. Handicap ramp not shown where sidewalk terminates near loading zone.
3. Show stop bars 4' on either side of pedestrian crosswalks.
4. Sidewalks may be necessary along internal drives where drives connect to adjacent properties.

DEPARTMENT: Public Services
DIVISION: Engineering – Storm Water
PLAN REVIEWER: Aldon Cox

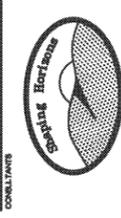
Based upon our cursory review of the submitted information it appears that an Off-site Stormwater Permit is required for the submitted plan. As of March 1, 2009, the City of Jacksonville became the permitting authority for stormwater permits within the City's corporate limits and ETJ. The rules governing those who must obtain stormwater permits and standards by which stormwater must be managed is provided in City Ordinance 2009-07. The City has also developed an administrative manual which provides forms, checklist and other information that will serve as a guide to those seeking stormwater permits. This manual as well as, the ordinance and the City's Manual of Specifications, Standards and Design are available upon request. Requests should be made to the City's Stormwater Manager at 910-938-6446.

DEPARTMENT: Fire Department
DIVISION: Fire Prevention/Inspections
PLAN REVIEWER: Chief John Reed
PROJECT NBR:
PROJECT DESC: CAROLINA ALE HOUSE

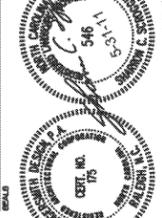
Item	Complies	Does Not Comply	N/A	See Note # Below
1. Construction Type and Dimensions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Structure Location(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Street Names	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Street and Cul-de-sac Dimensions, including radius	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Dead-end Limitations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Fire Apparatus Access Roads and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Emergency Response Route Designations				
7. Fire Lanes	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Adjoining property, including all future access roads	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Fire Hydrant Location(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Other:				

Note #	Comment/Requirement	Reference
	11-90000025	
	APPROVED AS SUBMITTED	



Parker & Associates, Inc.
Consulting Engineers - Land Planning
Surveyors - Land Planners
P.O. Box 199 - 28401 - 2000 - 2000
Raleigh, NC 27601
Phone: (919) 948-4444, Fax: (919) 948-4444
E-mail: info@parkerandassociates.com
Web: www.parkerandassociates.com
Professional License Number: 0000000000



PRELIMINARY NOT FOR CONSTRUCTION

PROJECT: 09-03-04-00

CAROLINA ALE HOUSE



1649 WESTERN BLVD.
JACKSONVILLE, NC

MR. LOU M
L M REST/
5404 Hillisb
Raleigh NC
(919) 851-0851



L-100 EXISTING CC
L-101 EXISTING CC
L-201 LANDSCAPE
L-301 LANDSCAPE
L-401 LIGHTING IS
L-501 SITE DETAILS
L-502 SITE DETAILS
C-1 DRAINAGE WATER & SEWER
C-2 DRAINAGE WATER & SEWER DETAILS
A-2.1 ARCHITECTURAL ELEVATIONS
A-2.2 ARCHITECTURAL ELEVATIONS

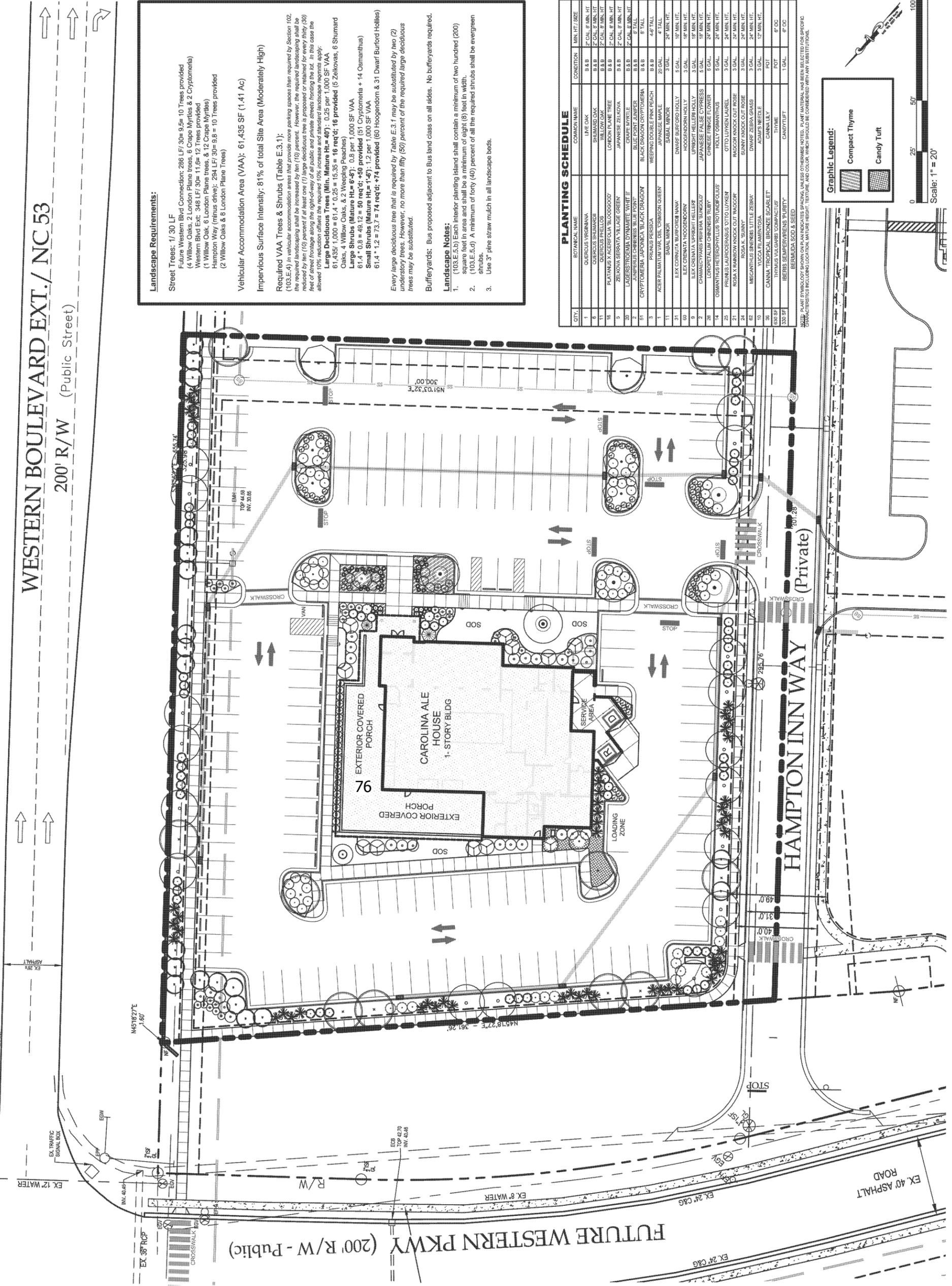
DATE: 5/29/11

LANDSCAPE PLAN

NO.	REVISION	DATE
1	ISSUE FOR PERMIT	5/29/11

DATE PLOTTED: 5/25/2011

DRAWN BY: SNC
CHECKED BY: SCS
L-301 OF



Landscape Requirements:

Street Trees: 1/ 30 LF
Future Western Blvd Connection: 286 LF/ 30= 9.5= 10 Trees provided
(4 Willow Oaks, 2 London Plane trees, 6 Grape Myrtles & 2 Cryptomeria)
Western Blvd Ext: 248 LF/ 30= 11.6= 12 Trees provided
(1 Willow Oak, 6 London Plane trees, & 12 Grape Myrtles)
Hampton Way (minus drive): 294 LF/ 30= 9.8 = 10 Trees provided
(2 Willow Oaks & 8 London Plane Trees)

Vehicular Accommodation Area (VAA): 61,435 SF (1.41 Ac)

Impervious Surface Intensity: 81% of total Site Area (Moderately High)

Required VAA Trees & Shrubs (Table E.3.1):
(103.E.4) In vehicular accommodation areas that provide more parking spaces than required by Section 102, the required landscaping shall be increased by ten (10) percent. However, the required landscaping shall be reduced by ten (10) percent if at least one (1) large deciduous tree is proposed or retained for every thirty (30) feet of street frontage along the right-of-way of all public and private streets fronting the lot. In this case the allowed 10% reduction offsets the required 10% increase and standard landscape requirements apply.

Large Deciduous Trees (Min. Mature Ht= 40'): 0.25 per 1,000 SF VAA
61,435/ 1,000 = 61.4 * 0.25 = 15.35 = 16 req'd; 16 provided (5 Zelkova, 6 Shumard Oaks, 4 Willow Oaks, & 2 Weeping Peaches)

Large Shrubs (Mature Ht= 6-8'): 0.8 per 1,000 SF VAA
61.4 * 0.8 = 49.12 = 50 req'd; +50 provided (51 Cryptomeria + 14 Osmanthus)

Small Shrubs (Mature Ht= 1-6'): 1.2 per 1,000 SF VAA
61.4 * 1.2 = 73.7 = 74 req'd; +74 provided (60 Heogedorn & 31 Dwarf Burford Hollies)

Every large deciduous tree that is required by Table E.3.1 may be substituted by two (2) understory trees. However, no more than fifty (50) percent of the required large deciduous trees may be substituted.

Bufferyards: Bus proposed adjacent to Bus land class on all sides. No bufferyards required.

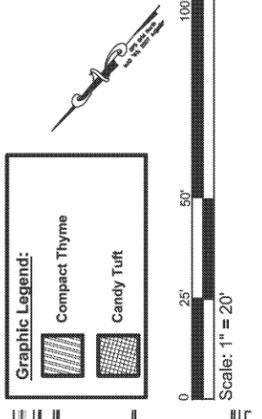
Landscape Notes:

- (103.E.5.b) Each interior planting island shall contain a minimum of two hundred (200) square feet in area and shall be a minimum of eight (8) feet in width.
- (103.E.5.c) A minimum of forty (40) percent of all the required shrubs shall be evergreen shrubs.
- Use 3" pine straw mulch in all landscape beds.

PLANTING SCHEDULE

QTY.	BOTANICAL NAME	COMMON NAME	CONDITION	MIN. HT. SIZE
1	QUERCUS VIRGINIANA	LIVE OAK	B. & B.	2" CAL. 8' MIN. HT.
6	QUERCUS SHUMARDII	SHUMARD OAK	B. & B.	2" CAL. 8' MIN. HT.
1	QUERCUS PHAEOLONGA	WILLOW OAK	B. & B.	2" CAL. 8' MIN. HT.
16	PLATANUS X ACERIFOLIA 'BLOODGOOD'	LONDON PLANE TREE	B. & B.	2" CAL. 8' MIN. HT.
5	ZELKOVA SERRATA 'VILAGE GREEN'	JAPANESE ZELKOVA	B. & B.	2" CAL. 8' MIN. HT.
20	LAGERSTROEMIA 'DYNAMITE WHITE'	CRAPPE WATTLE	B. & B.	2" CAL. 8' MIN. HT.
2	JUNIPERUS CHRENSIS 'BLUE POINT'	BLUE POINT JUNIPER	B. & B.	8' TALL
51	CRYPTOMERIA JAPONICA 'BLACK DRAGON'	BLACK DRAGON CRYPTOMERIA	B. & B.	8' TALL
3	PRUNUS PERSICA	WEeping DOUBLE PINK PEACH	B. & B.	4-8' TALL
1	ACER PALMATUM VAR. DIS. 'CRIMSON QUEEN'	JAPANESE MAPLE	20 GAL.	4' TALL
11	SABAL MINOR	SABAL PALM	3 GAL.	24" MIN. HT.
31	ILEX CORNUTA 'HOOGEDORN NANA'	DWARF BURFORD HOLLY	5 GAL.	18" MIN. HT.
60	ILEX CRENATA 'HOOGEDORN'	UPRIGHT HELLER HOLLY	5 GAL.	18" MIN. HT.
9	ILEX CRENATA 'UPRIGHT HELLER'	UPRIGHT HELLER HOLLY	5 GAL.	18" MIN. HT.
2	CHAMAECYPARIS PROPINQUA 'SUNGOLD'	JAPANESE FALSE CYPRRESS	5 GAL.	18" MIN. HT.
26	LOROPETALUM CHINENSIS 'RUBY'	CHINESE FRINGE FLOWER	5 GAL.	24" MIN. HT.
14	OSMANTHUS HETEROPHYLLUS 'ROTUNDFOLIUS'	HOLLY OSMANTHUS	5 GAL.	24" MIN. HT.
25	PRUNUS LAUROCEPENSIS 'OTTO LYVEN'	OTTO LYVEN LAUREL	3 GAL.	24" MIN. HT.
21	ROSA X RANGOW 'KNOCKOUT RADCOOR'	RADCOOR KNOCKOUT ROSE	3 GAL.	24" MIN. HT.
62	ROSA X 'SUNNY'	SUNNY KNOCKOUT ROSE	3 GAL.	24" MIN. HT.
10	MISCANTHUS SINENSIS 'LITTLE ZERBA'	DWARF ZERBA GRASS	3 GAL.	24" MIN. HT.
36	YUCCA FILAMENTOSA	ADAM'S NEEDLE	3 GAL.	12" MIN. HT.
180 SF	CANNIA TROPICAL BRONZE SCARLET	THYME	FOOT	6" OC
130 SF	IBERIS SEMPERVIRENS 'PURITY'	CANDY TUFT	1 GAL.	6" OC

RECORD A: SOD & SEED BED PREPARATION, UNLESS OTHERWISE NOTED. PLANT MATERIALS SHALL BE SELECTED FOR SPECIFIC CHARACTERISTICS INCLUDING LOCATION, MATURITY HEIGHT, TEXTURE, AND COLOR, WHICH SHOULD BE CONSIDERED WITH ANY SUBSTITUTIONS.





Request for City Council Action

Agenda Item:	4
Date:	7/19/2011

Subject: Public Hearing (*Quasi-Judicial*) - Conditional Use Permit and Site Plan – Realo Discount Drugs – 2680 Henderson Drive.
Department: Development Services
Presented by: Jeremy B. Smith, Senior Planner
Presentation: Yes

Issue Statement

DDJ Investments, LLC, has submitted a Conditional Use Permit and Site Plan application for a proposed 20,000 square foot pharmacy and retail buildings. The 2.26 acre development site is located at 2680 Henderson Drive within the City limits. The property is zoned Conditional Use-Business-1 (CU-B-1) and within this district any use requires a Conditional Use Permit.

The proposed development will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

Financial Impact

None

Action Needed

- Conduct Public Hearing
- Consideration of the Conditional Use Permit and Site Plan

Recommendation

Planning Board recommends denial of this request. City staff recommends Council move to approve of the Conditional Use Permit and Site Plan based on findings of fact A through G being found in the affirmative with conditions identified within the Staff Report.

Approved: City Manager City Attorney

Exhibits:

- A Special/Conditional Use Permit Worksheet
- B June 13, 2011 Planning Board Minutes
- C TRC Comment Sheet
- D Zoning and Land Use Map
- E Site Plan



Staff Report

Public Hearing (*Quasi-Judicial*) - Conditional Use Permit and Site Plan
Realo Discount Drugs – 2680 Henderson Drive.

Introduction

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The proposed development will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

Procedural History

- On May 9 2011, DDJ Investments, Inc. submitted an application for this Conditional Use Permit and Site Plan.
- On June 13, 2011 Planning Board recommended denial of this request.
- On July 19, 2011 City Council will conduct a public hearing and consider this request.

Stakeholders

- Community Investments Group, LLC – Owner
- DDJ Investments, LLC – Applicant
- Thomas Engineering – Thomas Engineering
- Adjacent property owners – Per the City of Jacksonville Zoning Ordinance, all property owners within 200 feet of the subject parcel have been notified of the proposed public hearing conducted by City Council. Furthermore, have been posted on site and legal ads published in the local newspaper.

Zoning Assessment

The property is located in the City Limits and is zoned Conditional Use-Business-1 (CU-B-1). It is bordered to the north across South Hall Drive, by offices and retail, zoned CU-B-1; to the east by single family dwellings, zoned Residential-7 (R-7); to the south, by a doctors office, zoned CU-B-1; and to the west across Henderson Drive, by a funeral home, zoned CU-B-1.

Land Use Assessment

Adopted CAMA Land Use Plan (1999)

The adopted CAMA Plan from 1999 identifies the area's land classification as "Developed." Areas that are identified as "developed" are currently urban in character, with no or minimal undeveloped land remaining. "Developed" land accommodates a variety of uses from residential, commercial, industrial and other land uses at high or moderate densities in excess of 3 units per acre.

While the 1999 Plan is the City's only adopted CAMA Plan at this time, the age of the plan should be recognized and as such and the Plan's broad nature should be viewed as a historical document instead of a true guide for future growth and development.

The Growth Management Element Plan Future Land Use Map (2007)

The Growth Management Element Plan (GME) identifies the subject parcels as Office (O) in its Future Land Use Map.

Office areas are intended for single buildings and office parks of several buildings. Small retail components may be included to serve on-site employees

The GMP Future Land Use Map is sometimes an accurate depiction of current land uses in Jacksonville, but it sometimes does not take into consideration future growth patterns and trends. Because of this short-term land use approach, all Future Land Use Amendments should consider previously adopted plans, the GMP Map and existing and proposed development trends in the general area.

Evaluation

Staff believes that the proposed project's land use is inconsistent with the GME FLU Map & Plan. A more appropriate designation for this development would be Neighborhood Commercial. Neighborhood Commercial provides for small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses. Staff believes that NC is an appropriate designation given the development and roadway patterns in the area and suggests amending the GME Map in the future to NC.

Planning Board Recommendation Assessment

The Planning Board's recommendation for denial was based on two issues; on the original site plan the applicant proposed to have less than the required buffer (20 feet instead of 30 feet with fence), also the rear building in the opinion was too close to the buffer and property line. Since the Planning Board meeting the applicant has revised the site plan to show the full 30 foot Type A buffer with fence and reduced the size of the rear building.

TIA Assessment

As required by the Jacksonville Zoning Ordinance, an external Transportation Impact Analysis (TIA) was conducted for this development. The draft TIA was submitted by Davenport Transportation Consulting (DTC) on April 7, 2011. NCDOT has reviewed the draft TIA, and their comments have been incorporated into this report.

The proposed Realo Discount Drug Center site is located on the southeast quadrant of the intersection Henderson Drive (SR 1336) and South Hall Drive in Jacksonville, North Carolina. As currently planned, the Realo Discount Drug Center development is currently envisioned to ultimately consist of pharmacy, retail and office land uses.

This study analyzes two phases of the property’s development. The two phases include the following land intensities and planned build-out years:

Phase I development will consist of approximately 5,600 square feet pharmacy with drive through, 3,500 square feet of retail space and 3,500 square feet of general office building. This phase of development is envisioned to be completed in 2011.

Phase II development will consist of approximately 4,200 square feet of retail space and 4,200 square feet of general office building. This phase of development is envisioned to be completed in 2016.

The *ITE Trip Generation Manual, 8th Edition* was used to determine the anticipated traffic volume data for the proposed development. It was determined that the peak hours for analysis would include typical weekday AM and PM peak hours. Table 1 indicates the average two-way daily traffic volume and the peak hour totals that the development is expected to generate for Phase 1 and at Full Build-out.

Table 1: Estimated Traffic Volumes

Time Period	Phase 1	Phase 2 (Full Build)
Average Daily Volume (2-way)	1,363	2,344
Weekday AM Peak Hour Volume (2-way)	49	87
Weekday PM Peak Hour Volume (2-way)	208	367

Phase I Analysis Results and Recommendations

An existing year 2011 analysis was conducted as well as future build 2011 analysis for Phase I, which projects operations once the development is completed. The TIA identified roadway improvements necessary to mitigate the impacts of the proposed development on the adjacent highways. Table 2 summarizes the Level of Service (LOS) results as reported in the TIA.

Table 2: Phase I - Level of Service Summary (Weekday AM Peak / Weekday PM Peak)

Intersection	Existing (2011)	No-Build (2011)	Build (2011)
Henderson Drive at Gum Branch Road	C/E	C/E	C/D
Henderson Drive at Existing Site Access #1	B/B	B/C	B/C
Henderson Drive at South Hall Drive / Indian Drive	B/C	B/C	B/C

Phase I of the development is not expected to have a significant traffic impact on the adjacent intersections. The Henderson Drive and Gum Branch Road traffic signal maintains acceptable operations once the development is completed, with signal timing optimization adjustments.

Other study intersections including Site Access #1 located on Henderson Drive are projected to operate acceptably in the future. The following roadway improvements were recommended as part of the TIA to ensure safety and acceptable operations for Phase I of the development:

Existing Site Access #1 at Henderson Drive

This access is proposed to remain a full movement driveway. The intersection should accommodate the following:

- A single ingress and egress lane
- A northbound right turn lane on Henderson Drive with 150 feet of full storage and 100 feet of taper

The above turn lane improves operations and safety by providing an exclusive space in which vehicles may decelerate prior to turning into the site.

Phase II (Full Build-out) Analysis Results and Recommendations

For Phase II (Full Build-out) of the development, future build 2016 analysis was conducted which projects operations once the development is completed. The TIA identified roadway improvements necessary to mitigate the impacts of the proposed development on the adjacent highways. Table 3 summarizes the Level of Service (LOS) results as reported in the TIA.

Table 3: Phase II - Level of Service Summary (Weekday AM Peak / Weekday PM Peak)

Intersection	Existing (2011)	No-Build (2011)	Build (2011)
Henderson Drive at Gum Branch Road	C/E	D/F	D/E
Henderson Drive at Existing Site Access #1	B/B	B/C	B/D
Henderson Drive at South Hall Drive / Indian Drive	B/C	B/C	B/D
South Hall Drive at Proposed Site Access #2	-	-	A/A

The signalized intersection of Henderson Drive and Gum Branch Road is expected to operate at LOS D during the future no build AM peak, and at LOS F during the future no build PM peak. With the addition of site traffic, the level of service is expected to remain unchanged. Based upon the existing roadway geometry and availability of property adjacent to all intersection quadrants, a potential intersection improvement would be the construction of a westbound right turn lane with 250 feet of storage and appropriate taper on Gum Branch Road. This improvement is expected to require acquisition of right of way for construction. It should be noted that this improvement is needed as a result of background traffic and not as a result of this project. It is necessary whether this project is

built or not. With these improvements in place, the level of service in the PM peak is expected to improve to LOS E.

Other study intersections including the Site Accesses 1 and 2 are projected to operate acceptably in the future. The following roadway improvements were recommended as part of the TIA to ensure safety and acceptable operations for Phase II (Full Build-out) of the development:

Henderson Drive at South Hall Drive / Indian Drive

This intersection is proposed to remain full movement and should accommodate the following:

- A northbound right turn lane on Henderson Drive with full storage extending to the existing Site Access #1 driveway

Proposed Site Access #2 at South Hall Drive

This access is proposed to be a full movement driveway. The intersection should accommodate the following:

- A single ingress and egress lane

The above turn lanes improve operations and safety by providing an exclusive space in which vehicles may decelerate prior to turning into the site.

Parking Assessment

In accordance with Section 102 Parking Requirements, shopping centers require 1 space per 250 square feet. This project requires 80 parking spaces; however, the developer is proposing 93 parking spaces.

Buffer Assessment

Section 115 of the City Zoning Ordinance requires a Type A buffer along the southeastern property line of this development. This 30 foot buffer is reserved for the plantings of trees and shrubs to provide buffering/setbacks from unlike adjacent land uses. The applicant is requesting a 10 foot reduction based upon Section 115, P. Allowable Deviations to Bufferyard Requirements, 1. Hardship Cases that states "There are practical difficulties or unnecessary hardships in carrying out the strict letter of the ordinance because of one or more of the following conditions: d. a strip of existing vegetation, dense enough to satisfy capacity requirements, making added buffering unnecessary."

If the reduction is authorized, the remaining 20 foot buffer, as identified, is proposed to be within a recorded/dedicated 20 foot drainage and utility easement that they intend to abandon, if possible. Therefore, should the applicant be unsuccessful with either the reduction in bufferyard width or the easement abandonment, the applicant will be required to submit revised site plans prior to the issuance of any building permits.

Public Hearing Notification

Per the City of Jacksonville Zoning Ordinance, all property owners within 200 feet of the subject parcel have been notified of the proposed public hearing. Furthermore, signs have been posted on site and legal ads published in the local newspaper.

Merits of the Conditional/Special Use Permit

Pursuant to Section 118, Special and Conditional Use Permits, of the Zoning Ordinance, staff submits the following findings of fact:

- a. The proposed use is an acceptable use in the zoning district it is being located in;

Staff findings: The property is zoned Conditional Use-Business-1 (CU-B-1) and within this district any use requires a Conditional Use Permit.

- b. The application is complete;

Staff findings: The necessary applications, fees, special use permit have been submitted in accordance with City policies and procedures.

- c. The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements;

Staff findings: Staff believes that the proposed project's land use is inconsistent with the GME FLU Map & Plan. A more appropriate designation for this development would be Neighborhood Commercial. Neighborhood Commercial provides for small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses. Staff believes that NC is an appropriate designation given the development and roadway patterns in the area and suggests amending the GME Map in the future to NC.

- d. Streets, driveways, parking lots, traffic control and any other traffic circulation features are designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be appropriate for the conditional use;

Staff findings: City staff has determined that the site plan does not meet all applicable standards and approval should be conditioned upon the following:

Conditions of the Conditional Use Permit:

Submit a recombination plat, combining the lots of the proposed development.
Install all required improvements recommend in the TIA.

Conditions of Site Plan:

Revise the site plan per TRC Comments in Exhibit C prior to the issuance of a building permit.

- e. The proposed conditional/special use will not substantially injure the value of adjoining or abutting properties;

Staff findings: The property is located in the City Limits and is zoned Conditional Use-Business-1 (CU-B-1). It is bordered to the north across South Hall Drive, by offices and retail, zoned CU-B-1; to the east by single family dwellings, zoned Residential-7 (R-7); to the south, by a doctors office, zoned CU-B-1; and to the west across Henderson Drive, by a funeral home, zoned CU-B-1.

- f. The proposed conditional/special use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area;

Staff findings: The property is located in the City Limits and is zoned Conditional Use-Business-1 (CU-B-1). It is bordered to the north across South Hall Drive, by offices and retail, zoned CU-B-1; to the east by single family dwellings, zoned Residential-7 (R-7); to the south, by a doctors office, zoned CU-B-1; and to the west across Henderson Drive, by a funeral home, zoned CU-B-1.

Staff has neither found or been presented with any evidence that the proposed use is not compatible and in harmony with adjoining land uses and the development pattern of the immediate area.

- g. The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

Staff findings: Staff has not been presented with any evidence that the proposed use would materially endanger the public health or safety if located where proposed.

Options

- A.** Approve the Conditional Permit and Site Plan as presented.

- Pros: None.
- Cons: The proposed site plan does not meet all applicable City Standards.

- B.** Approve the Conditional Permit and Site Plan with conditions: **(Staff Recommended)**

- Pros: Allows the process to move forward while ensuring a site plan for staff review is submitted within a reasonable timeframe.
- Cons: None.

Conditions of the Conditional Use Permit:

Submit a recombination plat, combining the lots of the proposed development.
Install all required improvements recommended in the TIA.

Conditions of Site Plan:

Revise the site plan per TRC Comments in Exhibit C prior to the issuance of a building permit.

C. Deny the Conditional Permit and Site Plan request. (Planning Board Recommended)

- Pros: The proposed site plan does not meet all applicable City Standards.
- Cons: None.

D. Defer Consideration of the request.

- Pros: Deferral would allow staff sufficient time to address any concerns the City Council may have.
- Cons: Deferral would cause unexpected delays for the applicant.

WORKSHEET FOR CONDITIONAL/SPECIAL USE PERMITS

Applicant: DDJ Investments, LLC

Location: 2680 Henderson Drive (Tax Map & Parcel ID # 339G-48, 49, 44)

Proposed Use of Property: Retail Establishment and Professional Office (shopping center)

1. FINDINGS OF FACT

a.	The application is complete	Yes	No
b.	The proposed use is an allowable Special/Conditional use in the zoning district it is being located in	Yes	No
c.	The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements	Yes	No
d.	Streets, driveways, parking lots, traffic control and other traffic circulation features shall be designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be adequate for the proposed Special/Conditional/conditional use	Yes	No
e.	The proposed Special/Conditional use will not substantially injure the value of adjoining or abutting properties	Yes	No
f.	The proposed Special/Conditional use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area	Yes	No
g.	The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.	Yes	No

2. GRANTING THE SPECIAL/CONDITIONAL USE PERMIT

Motion to grant the Special/Conditional use permit based on items (a) through (g) found to be affirmative.

___ The Special/Conditional Use Permit is granted, subject to the following conditions:

- 1) The applicant shall complete the development strictly in accordance with the plans submitted to an approved by City Council.
- 2) If any conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect: _____

3. DENYING THE SPECIAL/CONDITIONAL USE PERMIT

Motion to deny based on:

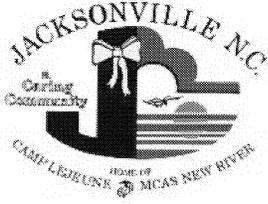
___ The Application is denied because, if completed as proposed, the development more probably than not: _____

___ Will not be in conformity with the City's land use plan and other comprehensive plan elements for the following reasons: _____

___ Will substantially injure the value of adjoining or abutting properties for the following reasons: _____

___ Will not be compatible and not be in harmony with adjoining land uses and the development pattern of the immediate area for the following reasons: _____

Exhibit A



Planning Board Minutes – June 13, 2011

Agenda Item:	4
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Public Hearing (*Quasi-Judicial*) - Conditional Use Permit and Site Plan – Realo Discount Drugs – 2680 Henderson Drive.

DDJ Investments, LLC, has submitted a Conditional Use Permit and Site Plan application for a proposed 20,000 square foot pharmacy and retail buildings. The 2.26 acre development site is located at 2680 Henderson Drive within the City limits. The property is zoned Conditional Use-Business-1 (CU-B-1) and within this district any use requires a Conditional Use Permit.

The proposed development will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

The property is located in the City Limits and is zoned Conditional Use-Business-1 (CU-B-1). It is bordered to the north across South Hall Drive, by offices and retail zoned CU-B-1; to the east by single family dwellings, zoned Residential-7 (R-7); to the south, by a doctor's office, zoned CU-B-1; and to the west across Henderson Drive, by a funeral home, zoned CU-B-1.

The adopted CAMA Plan from 1999 identifies the area's land classification as "Developed." Areas that are identified as "developed" are currently urban in character, with no or minimal undeveloped land remaining. "Developed" land accommodates a variety of uses from residential, commercial, industrial and other land uses at high or moderate densities in excess of 3 units per acre.

While the 1999 Plan is the City's only adopted CAMA Plan at this time, the age of the plan should be recognized and as such and the Plan's broad nature should be viewed as a historical document instead of a true guide for future growth and development.

The Growth Management Element Plan (GME) identifies the subject parcels as Office (O) in its Future Land Use Map.

Office areas are intended for single buildings and office parks of several buildings. Small retail components may be included to serve on-site employees.

The GMP Future Land Use Map is sometimes an accurate depiction of current land uses in Jacksonville, but it sometimes does not take into consideration future growth patterns and trends. Because of this short-term land use approach, all Future Land Use Amendments should consider previously adopted plans, the GMP Map and existing and proposed development trends in the general area.

Exhibit B

Staff believes that the proposed project's land use is inconsistent with the GME FLU Map & Plan. A more appropriate designation for this development would be Neighborhood Commercial. Neighborhood Commercial provides for small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses. Staff believes that NC is an appropriate designation given the development and roadway patterns in the area and suggests amending the GME Map in the future to NC.

Ms. VanderVere asked is this to replace or be in addition to the Realo Drugs down the road. Mr. Smith replied this would relocate to the new site.

Mr. Smith stated the traffic consultant who prepared the TIA is available for question.

Ms. Joos asked is this going to run into sidewalks versus no sidewalk. Mr. Smith replied no they are proposing full sidewalks where there aren't any sidewalks. Mr. Keyes asked about landscaping, he said it seem a little sparse and asked Mr. Smith to address the landscaping. Mr. Smith replied to look in the staff comments from the TRC. Mr. Smith replied they may come a little short and that is why I was unable to determine because they did not properly identify their landscape areas. Mr. Keys stated if it is below minimal then it would seem to impact on the parking. Mr. Smith replied you are correct and since they are over their parking requirements so they can give and lose some here and there but they would have to increase their landscape areas.

Chairman Lesan asked to go over the back buffer. Mr. Smith replied there are two situations here, they are required by ordinance to have a 30 foot Type A buffer, and that is a recent change effective May 1, 2011 of this year. However they are identifying they should qualify to have a hardship because there is existing buffering and they would like to use that existing buffering, reducing down to 20 foot width but still have the number of trees and shrubs that a typical Type A buffer requires in the adjacent residential. There is also a drainage utility easement there 20 feet wide. Staff's thoughts are if either one of those are unsuccessful if City Council does not agree to their reduction or they can not get the easement abandoned. They would have to revise their site plan if approved. The representative of the applicant is not here tonight and I believe they could defend how that 20 foot width would meet that Type A buffer.

Ms. Joos stated it looks like the storm water run off pond will back into the Aldersgate area and the houses between there. Mr. Smith replied that is correct, the 20 foot buffer and additional landscaping area of the pond. By ordinance they are required to keep the pond behind the building when used as a utility and that is what they are proposing.

Ms. Joos stated this is on a hill, where is the storm water going? Mr. Smith replied it will all be piped to the new pond they are proposing. Mr. King stated to the pond in the back corner of the property.

Mr. Spring asked how close that pond to the places identified as Kellum is. Mr. King replied the landscape is about 20-22 feet off, so the fence between 20 and 30 feet is where the fence and the slope of the pond will begin. Mr. Spring asked what happens when a parcel of land is not big enough to do what someone wants to do with it, and still be comfortable and doesn't encroach on the places that are behind it. People are thinking we should be

able to do something with this parcel of land. Somewhere down the line the question will be when if you cram too much stuff in a small space. When do you look at something bigger or when do you have to decide to scale back what you have to do. I understand hardship but its not a hardship to the people that are building, it's a hardship caused by trying to put too much stuff on a parcel of land.

Mr. Goodson replied it's an issue when smaller commercial sites trying to develop them. As planners when we do site plans, as long as they meet the set back requirements, they have the required parking, they meet there landscape requirements and they can cram something in. As long as they meet our minimum standards we have to review that against our standards. If they meet it, then we have to recommend approval of it.

Ms. VanderVere asked Mr. Goodson if he said this does not meet the landscaping requirements. Mr. Goodson replied they are asking for an exemption for part of the buffer requirements that is part of your requirements tonight. Do you think they need that exemption?

Chairman Lesan replied it sounds like they are just hoping for the best. Mr. King stated one thing to consider is this was a recent change; the 20 foot would have been all that was required. This would have met our former requirement and it was set up specifically in case where staff would be approving this development plan there would be a 30 foot requirement, unless a hardship could be granted through staff or by city Council. We did not grant the hardship case. It's up to Planning Board and City Council to grant the hardship case. Staff chose not to grant the hardship case. I t is a new ordinance. I don't know how many trees and shrubs are in that area, they will have to be protected. They first have to get the easement abandoned. There are two things they will have to do without revising this plan; get the easement abandoned and convince the Planning Board and the City Council that there is enough existing vegetation that is sufficient to where you feel like granting the hardship case. If they have not presented enough information for you to feel there is a hardship case then deny it in the form of a recommendation that Council not approve that.

Thomasine Moore moved to approve the Conditional Use Permit and Site Plan with the condition of denying the plea for hardship for Realo/Carolina Home Medical. Homer Spring seconded the motion.

Bobby Billingsly of Thomas Engineering stated we are not trying to get around anything. The ordinance has changed to a 30 foot buffer, but the way it was presented to us original was a 20 foot buffer. There is a seven foot existing wood fence in the rear of the property adjacent to the low density residential that you can not see through. The existing woods are thick enough that there will not be any sight between the residential and this development. It is over and above what would be required if we took it out and put the buffer in. So we are not trying to get away with anything. Mr. King stated the ordinance reads 30 feet and it was amended April 19, 2011. Mr. Billingsly stated the landscaping is close to the minimum so if we were required to increase it we could take parking out to do that. Aerial pictures were presented to the Board.

Mr. Spring asked who owns the existing wooden fence. Mr. Billingsly replied it is owned by the property owners. Mr. Billingsly stated its being referred to tonight as a hardship but he

doesn't think they are going for a hardship as much as we think it is an alternative to the 30 foot plan that you have existing.

Ms Moore asked where the buffer is going based on the photos. Mr. King replied the fence is taken from the residential property yards; the wooded area on the right hand side is the vegetation that would remain. Ms. Moore asked who owns the wooded area. Mr. King replied its part of the Home Owners Association of the Single Families Residential Development called South Hall. Ms. Moore asked if he was positive of that. Mr. King replied I'm just going off what I heard tonight that it was part of a single family development. Ms. Moore asked would the woods remain. Mr. King replied that can be part of your hardship case that they are undisturbed. Mr. King read Sec 115 part 4. A discussion about the fence, disturbance of the vegetation, and the abandonment of the easement was between Chairman Lesan, Mr. King and Mr. Billingsly.

Mr. Keyes asked where the abandoned easement would be. Mr. King replied within the same 20 foot area. Mr. Keyes replied then he thinks the motion should be not only the hardship but as a part of the abandoned easement. Mr. Williams replied as far as the home owners, they are going to see less with that 20 foot buffer. Mr. Billingsly replied yes.

Chairman Lesan read the first motion in place. Ms. Moore requested another motion to replace existing motion.

Thomasine Moore moved to approve the conditional use and site plan and allow the hardship on the condition of leaving a 20 foot all natural buffer. Mr. Spring withdrew his second. Danny Williams seconded the motion.

Further discussion by Mr. Keyes stated we still have not covered the abandoned easement which is a part of that 20 feet where the trees are growing. Mr. King replied in order to accomplish what Mr. Keyes is requesting the motion would need to be that you recommend approval of conditional use permit and site plan based on findings of fact A through G being found in the affirmative with conditions identified with the Staff Report and you recommend approval of the 10 foot reduction due to the hardship case recognize provided they keep the 20 foot existing buffer undisturbed. Chairman Lesan asked Ms. Moore is that what she wanted to say. Ms. Moore replied that is exactly what I wanted to say.

Further discussion took place by Mr. Spring asking about the proposed building. Why does it have to be turned the way it is and as close to the residents as it is. Mr. Spring stated he will be voting against this. Ms. VanderVere asked what the back building will be used for. Mr. Billingsly replied its proposed mixed use. Chairman Lesan replied numerous office spaces and Mr. King replied six tenant spaces.

Thomasine Moore moved to approve the conditional use permit and site plan based on findings of facts A through G being found in the affirmative with conditions identified with the Staff Report and recommend approval of the 10 foot reduction due to the hardship case recognized provided they keep the 20 foot buffer undisturbed. Danny Williams seconded the motion.

The motion to approve the conditional use permit and site plan based on findings of facts A through G being found in the affirmative with conditions identified with the Staff Report and recommend approval of the 10 foot reduction due to the hardship case recognized provided they keep the 20 foot buffer undisturbed was declined by the Board Members

present. The motion was voted for by Alfred Keyes, Thomasine Moore, and Danny Williams and against by Vice Chairperson Sandra Wyrick, Pauline Joos, Homer Spring, and Theresa VanderVere.

Homer Spring moved to deny the site plan as presented. Theresa VanderVere seconded the motion.

Mr. Spring asked does this need any recommendation. Mr. King replied if you want to give Council clear direction as to why you want to recommend denial this they would appreciate it.

Homer Spring moved to deny the conditional use permit and site plan. Theresa VanderVere seconded the motion.

The motion to deny the conditional use permit and site plan was declined by the Board Members present. The motion was voted for by Thomasine Moore, and Danny Williams and against by Vice Chairperson Sandra Wyrick, Pauline Joos, Alfred Keyes, Homer Spring, and Theresa VanderVere.



TRC Comment Sheet

DATE: 6/6/11
TYPE: SITE PLAN
FILE NUMBER: 11-90000024
FILE NAME: REALO DISCOUNT DRUG CENTER
APPLICANT: DDJ INVESTMENTS, LLC

DEPARTMENT: Development Services
DIVISION: Planning
PLAN REVIEWER: JEREMY SMITH

Show correct landscaping calculations. If existing landscaping is to be consider show the numbers in square feet on the plan, also indentify the numbers in square feet for other internal and external areas/islands.

Correct parking as to not allow back into the drive way on Henderson Drive.

If you are unsuccessful with either the reduction in bufferyard width or the easement abandonment, revised site plans will be required prior to the issuance of any building permits.

DEPARTMENT: Development Services
DIVISION: Planning - Addressing
PLAN REVIEWER: Pam Cunningham

Once parcels are combined the address will be 2680 Henderson Drive Units 1-7.

DEPARTMENT: Public Services
DIVISION: Streets – Signs
PLAN REVIEWER: Anthony Day

No comments submitted by TRC

DEPARTMENT: Planning and Development Services
DIVISION: Building Inspection
PLAN REVIEWER: Kelly Gurganus

REALO DISCOUNT DRUG CENTER 6-1-11

- 1) Recombination plat required. This will remain until plat is recorded.

Exhibit

C

- 2) Provide an accessible route from **all exits** to the public way. This requirement also applies to the rear exits on the large building.
- 3) Curb cuts shall comply with ANSI A117.1, section 406.3. This section requires a 4' walk behind the curb cut for new construction.
- 4) A minimum of 5'X5' level landing is required at all doors. Provide a 5' wide sidewalk at rear exits of small building.
- 5) Verify curb cuts do not interfere with the level landings at doors.
- 6) Move accessible parking spaces for large building to a more centralize location.
- 7) The penalty for accessible parking is \$250.00 not \$100.00. Correct on detail sheet.

DEPARTMENT: Public Services
DIVISION: Engineering - Works
PLAN REVIEWER: Tom Anderson

1. Show wheelchair ramps at all commercial driveways and road crossings.
Need wheelchair ramp crossing South Hall Drive at intersection of Henderson Drive.
2. Show high visibility crosswalks at all commercial driveways and roads.
Need crosswalk crossing South Hall Drive at intersection of Henderson Drive.
3. Show proposed contours of the relocated ditch along Henderson Drive.
Show proposed contours on the Henderson Drive side of this ditch. Slopes steeper than 3:1 need to be sodded and slopes steeper than 1:1 need to show and engineered solution.
4. Please note the datum used to determine elevations on this site as either NGVD 1929 or NAVD 1988.
This has not been done. Assumed elevations are not accepted.

DEPARTMENT: Public Services
DIVISION: Engineering - Utilities
PLAN REVIEWER: Michael Moore

Realo Discount Drug Center (6/6/2011)

APPROVED

Revisions may trigger additional comments.

DEPARTMENT: NCDOT
PLAN REVIEWER: Robert Vause

Submit for Driveway permit, showing roadway improvements as outlined in T.I.A.

DEPARTMENT: Police Department
DIVISION: East
PLAN REVIEWER: Sean Magill, Traffic Lt

Revisions made. Approved

DEPARTMENT: Progress Energy Carolinas Inc.
PLAN REVIEWER: Jackie Lee

No comments

DEPARTMENT: Public Services
DIVISION: Sanitation
PLAN REVIEWER: Kerry Terrell

Revisions made. Approved

DEPARTMENT: Planning & Development Services
DIVISION: MPO Division
PLAN REVIEWER: Adrienne McTigue, amctigue@ci.jacksonville.nc.us, 910-938-5073

TIA: Draft TIA completed 4/07/11

City of Jacksonville Bicycle and Pedestrian Plan: Bicycle lanes are proposed for Henderson Drive as identified in this plan.

Collector Street Plan: N/A

1. Please remove stop bars on sidewalk along South Hall Drive.
 2. Stop bars should be placed appropriately for traffic control.
 3. Clarify on plan if crosswalk located at existing driveway is flush or will have handicap ramps located on either side.
 4. Extend drive-thru buffer with painted isle to control double drive-thru alongside additional drive isle, that includes two- way traffic, to reduce conflict points.
-

DEPARTMENT: Public Services
DIVISION: Engineering – Storm Water
PLAN REVIEWER: Aldon Cox

No additional comments. 6/7/2011

Based upon our cursory review of the submitted information it appears that a Stormwater Permit is required for the submitted plan. As of March 1, 2009, the City of Jacksonville became the permitting authority for stormwater permits within the

City's corporate limits and ETJ. The rules governing those who must obtain stormwater permits and standards by which stormwater must be managed is provided in City Ordinance 2009-07. The City has also developed an administrative manual which provides forms, checklist and other information that will serve as a guide to those seeking stormwater permits. This manual as well as, the ordinance and the City's Manual of Specifications, Standards and Design are available upon request. Requests should be made to the City's Stormwater Manager at 910-938-6446.

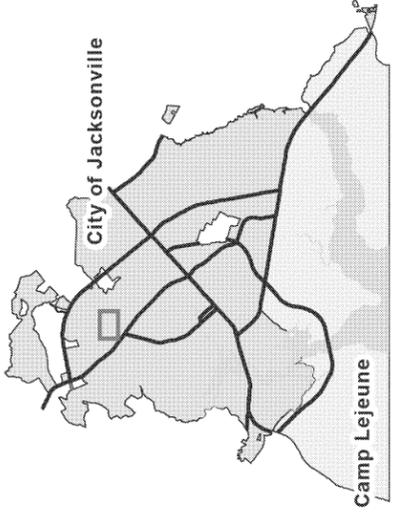
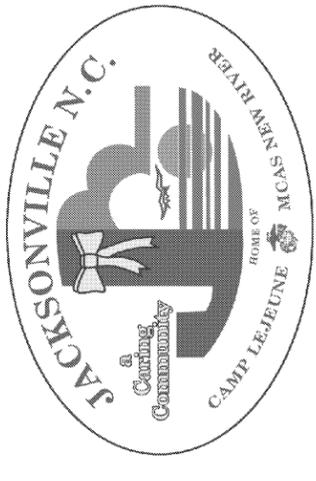
Additional information regarding the City's stormwater management program can be found by visiting the website at <http://www.ci.jacksonville.nc.us/opencms/opencms/publicservices/stormwater/>.

DEPARTMENT: Fire Department
DIVISION: Fire Prevention/Inspections
PLAN REVIEWER: Chief John Reed
PROJECT NBR:
PROJECT DESC: REALO DISCOUNT DRUG CENTER

Item	Complies	Does Not Comply	N/A	See Note # Below
1. Construction Type and Dimensions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Structure Location(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Street Names	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Street and Cul-de-sac Dimensions, including radius	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Dead-end Limitations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Fire Apparatus Access Roads and Emergency Response Route Designations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Fire Lanes	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Adjoining property, including all future access roads	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Fire Hydrant Location(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Other:				

Note #	Comment/Requirement	Reference
	APPROVED	
	11-90000024	

REALO DISCOUNT DRUGS - HENDERSON DRIVE



Legend

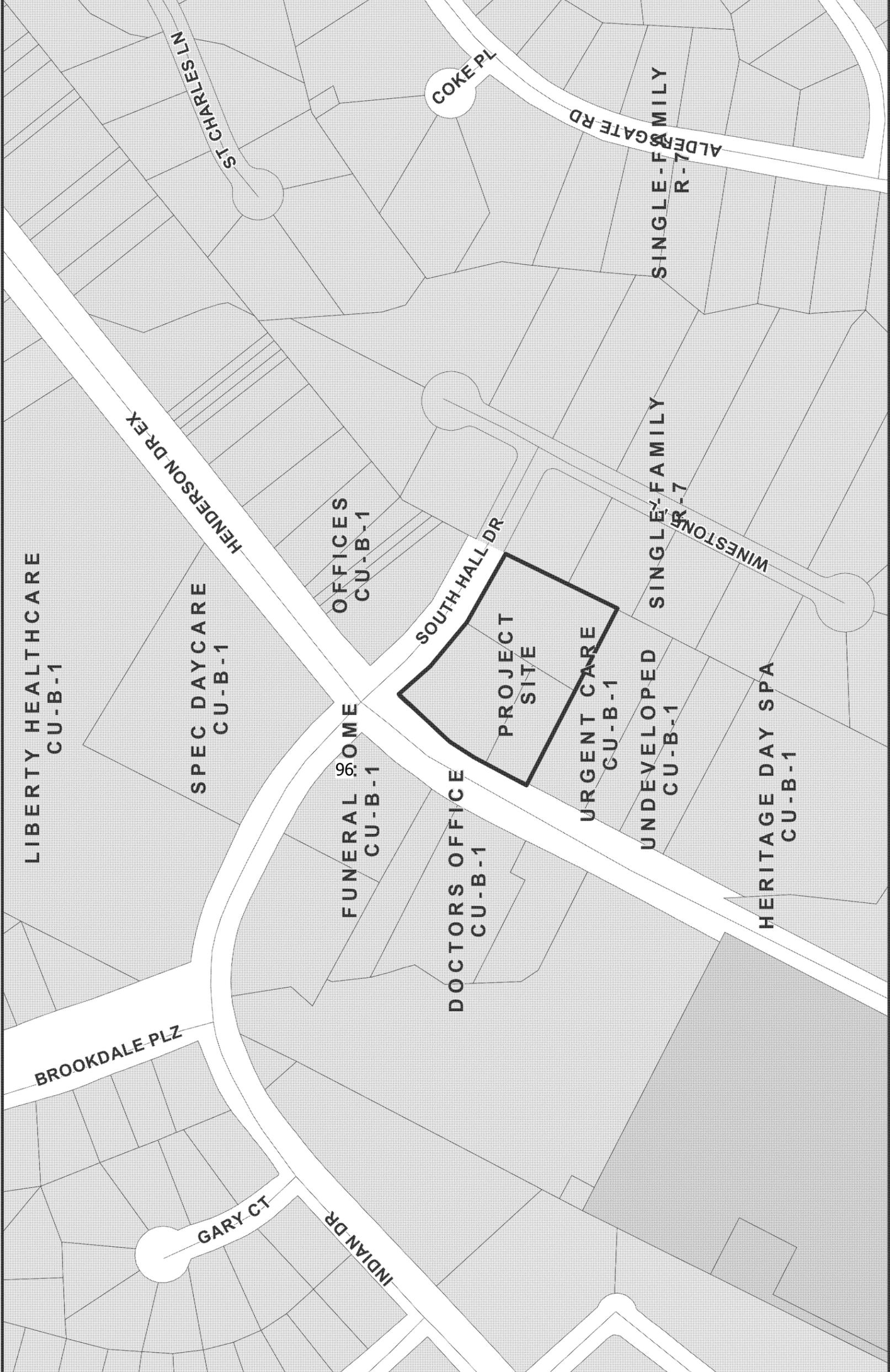
- Centerlines
- Parcels

Zoning TV Colors

Zones

IND	CU-B	B-1	CU-B-1	B-2	CU-B-2	O&I	CU-O&I	TCA	CU-TCA	CBD	OMU	NB	CU-NB	R-O	RA-20	CU-RA-20	RS-12	RS-10	R-7	RS-7	RS-6	RM-6	RS-5	RM-5	CU-RM5	RD-5	RD-3	CU-RD-3	MR
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Exhibit
D



Disclaimer: This Map is intended to use for planning purposes only. City of Jacksonville or its individual departments are not liable for any data inaccuracies. Once again this map should not be used for any legal boundary determinations and data displayed on this map is collected from various different sources.





Request for City Council Action

Agenda Item:	5
Date:	7/19/2011

Subject: Public Hearing (*Quasi-Judicial*) - Conditional Use Permit and Site Plan – Buffalo Wild Wings – 4175 Western Boulevard
Department: Development Services
Presented by: Jeremy B. Smith, Senior Planner
Presentation: Yes

Issue Statement

Parker and Associates, Inc., has submitted a Conditional Use Permit and Site Plan application for a proposed 6,910 square foot restaurant. The 2.32 acre development site is located at 4175 Western Boulevard within the City limits. The property is zoned Conditional Use-Business-1 (CU-B-1) and within this district any use requires a Conditional Use Permit.

Financial Impact

None

Action Needed

- Conduct Public Hearing
- Consideration of the Conditional Use Permit and Site Plan

Recommendation

The Planning Board and Staff recommend Council move to approve the Conditional Use Permit and Site Plan based on findings of fact A through G being found in the affirmative with conditions identified within the Staff Report.

Approved: City Manager City Attorney

Exhibits:

- A Special/Conditional Use Permit Worksheet
- B June 13, 2011 Planning Board Minutes
- C TRC Comment Sheet
- D Zoning and Land Use Map
- E Site Plan



Staff Report

Public Hearing (*Quasi-Judicial*) - Conditional Use Permit and Site Plan
Buffalo Wild Wings – 4175 Western Boulevard

Introduction

Parker and Associates, Inc., has submitted a Conditional Use Permit and Site Plan application for a proposed 6,910 square foot restaurant. The 2.32 acre development site is located at 4175 Western Boulevard within the City limits. The property is zoned Conditional Use-Business-1 (CU-B-1) and within this district any use requires a Conditional Use Permit.

Procedural History

- On May 9 2011, Parker and Associates, Inc. submitted an application for this Conditional Use Permit and Site Plan.
- On June 13, 2011 Planning Board recommended approval of this request.
- On July 19, 2011 City Council will conduct a public hearing and consider this request.

Stakeholders

- JCL Properties – Owner
- Parker and Associations – Applicant/Surveyors/Engineers/Land Planner
- Adjacent property owners – Per the City of Jacksonville Zoning Ordinance, all property owners within 200 feet of the subject parcel have been notified of the proposed public hearing conducted by City Council. Furthermore, have been posted on site and legal ads published in the local newspaper.

Zoning Assessment

The property is located in the City Limits and is zoned Conditional Use-Business-1 (CU-B-1). It is bordered to the north across Western Boulevard by undeveloped property and the Marine Federal Credit Union, zoned B-1; and to the south, east and west by undeveloped property, zoned Conditional Use-Business-1 (CU-B-1).

Land Use Assessment

Adopted CAMA Land Use Plan (1999)

The adopted CAMA Plan from 1999 identifies the area's land classification as "Urban Transition." Areas that are identified as "urban transition" are presently being developed

for urban purposes or will be in the next five to ten years. "Urban transition" land accommodates a variety of uses from residential, commercial, industrial and other land uses at high or moderate densities in excess of 3 units per acre.

While the 1999 Plan is the City's only adopted CAMA Plan at this time, the age of the plan should be recognized and as such and the Plan's broad nature should be viewed as a historical document instead of a true guide for future growth and development.

The Growth Management Element Plan Future Land Use Map (2007)

The Growth Management Element Plan (GME) identifies the subject parcels as Regional Commercial (RC) in its Future Land Use Map.

Regional Commercial Intended for services, large-scale retail and wholesaling activities which serve the entire community and the region. RC areas should have access to a major thoroughfare.

The GMP Future Land Use Map is sometimes an accurate depiction of current land uses in Jacksonville, but it sometimes does not take into consideration future growth patterns and trends. Because of this short-term land use approach, all Future Land Use Amendments should consider previously adopted plans, the GMP Map and existing and proposed development trends in the general area.

Evaluation

Staff believes that the proposed project's land use is consistent with the GME FLU Map & Plan. Further the proposed development and its associated land use is complementary to the surrounding designated land uses of the draft CAMA Plan.

Sewer Allocation Assessment

The proposed development will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

Parking Assessment

In accordance with Section 102 Parking Requirements, a restaurant shall provide 1 parking space per 4 seats at maximum occupancy of the building. This project requires 70 parking spaces; however, the developer is proposing 118 parking spaces.

Public Hearing Notification

Per the City of Jacksonville Zoning Ordinance, all property owners within 200 feet of the subject parcel have been notified of the proposed public hearing. Furthermore, signs have been posted on site and legal ads published in the local newspaper.

Merits of the Conditional/Special Use Permit

Pursuant to Section 118, Special and Conditional Use Permits, of the Zoning Ordinance, staff submits the following findings of fact:

- a. The proposed use is an acceptable use in the zoning district it is being located in;
- Staff findings: The property is zoned Conditional Use-Business-1 (CU-B-1) and within this district any use requires a Conditional Use Permit.
- b. The application is complete;
- Staff findings: The necessary applications, fees, special use permit have been submitted in accordance with City policies and procedures.
- c. The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements;
- Staff findings: Staff believes that the proposed project's land use is consistent with the GME FLU Map & Plan. Further the proposed development and its associated land use is complementary to the surrounding designated land uses of the draft CAMA Plan.
- d. Streets, driveways, parking lots, traffic control and any other traffic circulation features are designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be appropriate for the conditional use;
- Staff findings: City staff has determined that the site plan does not meet all applicable standards and approval should be conditioned upon the following:
- Revise the site plan per TRC Comments in Exhibit B prior to the issuance of a building permit.
- e. The proposed conditional/special use will not substantially injure the value of adjoining or abutting properties;
- Staff findings: The property is located in the City Limits and is zoned Conditional Use-Business-1 (CU-B-1). It is bordered to the north across Western Boulevard by undeveloped property and the Marine Federal Credit Union, zoned B-1; and to the south, east and west by undeveloped property, zoned Conditional Use-Business-1 (CU-B-1).
- Staff has neither found nor been presented with any evidence that the proposed use would substantially injure the value of adjoining or abutting properties.
- f. The proposed conditional/special use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area;
- Staff findings: The property is located in the City Limits and is zoned Conditional Use-Business-1 (CU-B-1). It is bordered to the north across Western Boulevard by undeveloped property and the Marine Federal Credit Union, zoned B-1; and to the south, east and west by undeveloped property, zoned Conditional Use-Business-1 (CU-B-1).

Staff has neither found or been presented with any evidence that the proposed use is not compatible and in harmony with adjoining land uses and the development pattern of the immediate area.

- g. The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

Staff findings: Staff has not been presented with any evidence that the proposed use would materially endanger the public health or safety if located where proposed.

Options

- A.** Approve the Conditional Permit and Site Plan as presented.

- Pros: None.
- Cons: The proposed site plan does not meet all applicable City Standards.

- B.** Approve the Conditional Permit and Site Plan with conditions. **(Planning Board and Staff Recommended)**

- Pros: Allows the process to move forward while ensuring a site plan for staff review is submitted within a reasonable timeframe.
- Cons: None.

Conditions on the Site Plan

Revise the site plan per TRC Comments in Exhibit C prior to the issuance of a building permit.

- C.** Deny the Conditional Permit and Site Plan request.

- Pros: The proposed site plan does not meet all applicable City Standards.
- Cons: None.

- D.** Defer Consideration of the request.

- Pros: Deferral would allow staff sufficient time to address any concerns the City Council may have.
- Cons: Deferral would cause unexpected delays for the applicant.

WORKSHEET FOR CONDITIONAL/SPECIAL USE PERMITS

Applicant: Parker and Associates, Inc.

Location: 4175 Western Boulevard (Tax Map & Parcel ID # 339G-1.2)

Proposed Use of Property: Restaurant

1. FINDINGS OF FACT

a.	The application is complete	Yes	No
b.	The proposed use is an allowable Special/Conditional use in the zoning district it is being located in	Yes	No
c.	The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements	Yes	No
d.	Streets, driveways, parking lots, traffic control and other traffic circulation features shall be designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be adequate for the proposed Special/Conditional/conditional use	Yes	No
e.	The proposed Special/Conditional use will not substantially injure the value of adjoining or abutting properties	Yes	No
f.	The proposed Special/Conditional use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area	Yes	No
g.	The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.	Yes	No

2. GRANTING THE SPECIAL/CONDITIONAL USE PERMIT

Motion to grant the Special/Conditional use permit based on items (a) through (g) found to be affirmative.

___ The Special/Conditional Use Permit is granted, subject to the following conditions:

- 1) The applicant shall complete the development strictly in accordance with the plans submitted to an approved by City Council.
- 2) If any conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect: _____

3. DENYING THE SPECIAL/CONDITIONAL USE PERMIT

Motion to deny based on:

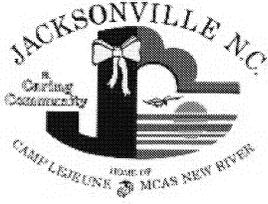
___ The Application is denied because, if completed as proposed, the development more probably than not: _____

___ Will not be in conformity with the City's land use plan and other comprehensive plan elements for the following reasons: _____

___ Will substantially injure the value of adjoining or abutting properties for the following reasons: _____

___ Will not be compatible and not be in harmony with adjoining land uses and the development pattern of the immediate area for the following reasons: _____

Exhibit A



Planning Board Minutes – June 13, 2011

Agenda Item:	5
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Public Hearing (*Quasi-Judicial*) - Conditional Use Permit and Site Plan – Buffalo Wild Wings
– 4175 Western Boulevard

Parker and Associates, Inc. has submitted a Conditional Use Permit and Site Plan application for a proposed 6,910 square foot restaurant. The 2.32 acre development site is located at 4175 Western Boulevard within the City limits. The property is zoned Conditional Use-Business-1 (CU-B-1) and within this district any use requires a Conditional Use Permit.

The property is located in the City Limits and is zoned Conditional Use-Business-1 (CU-B-1). It is bordered to the north across Western Boulevard by undeveloped property and the Marine Federal Credit Union, zoned B-1; and to the south, east and west by undeveloped property, zoned Conditional Use-Business-1 (CU-B-1).

City staff recommends the Planning Board move to approve the Conditional Use Permit and Site Plan based on findings of fact A through G being found in the affirmative with conditions identified within the Staff Report.

Mr. Keyes stated he has concerns on conditional use permits along the undeveloped properties on Western. The cumulative affect of all these individual businesses going into a feeder road or coming directly into Western. As these Traffic Impact Studies (TIA) are done, they are done piece mill. I am wondering who is keeping up with all of them to see at what point do we get so saturated that we have to work out another road system or is there some thought being given to that.

Mr. Smith referred to the map - referring to the projects that are coming in the area, (The Buffalo Wild Wings, State Employee Credit Union and Carolina Ale House). The Buffalo Wild Wings is creating a new street that will tie into a future collector street of North West Drive.

Mr. King stated now that we have created the in house MPO, that we didn't have when we were contracting the MPO duties out. Anthony Prinz our MPO Administrator and Robert Vause with DOT, they do look at things and you will see some time in the future that TIA's according to our ordinance will be waived based on agreed upon improvements.

Chairman Lesan asked if you are headed towards Gum Branch do you have to go down and do a U turn to come back up. Mr. King replied at the Carolina Forest intersection. They will also be able to take a left turn on the North Plain Drive and then take a left into North West Drive and come into the back side if they don't want to make a U turn.

Exhibit B

Ms. Joos asked will there be any kind of service road requirement on this or is this going to be a drive in and drive out right into the traffic? Mr. Smith replied Buffalo Wild Wings are proposing a new street there. There is no additional parallel road at this time.

Mr. King stated there is interconnectivity shown with stub outs. There are two on the site. Mr. Goodson explained the requirements for the TIA process and answered Ms. Joos question in reference to as the traffic develops then TIA may require further improvements. Mr. King stated DOT has talked about a requirement of a turn lane associated with this project.

Mr. Keyes stated my question has been answered. The other question is storm water retention and making sure some of the plans looked at here do not have individual storm water treatment plans or underground or otherwise. You alluded to that, that it would be pipes somewhere else or drain to a master pond. Mr. King replied I understand there will be a master storm water pond in that location. Mr. Parker replied it will be on the other side of Dennis Road.

Homer Spring moved to approve the Conditional Special Use Permit and Site Plan based on findings of fact A through G being found in the affirmative with conditions identified within the Staff Report. Theresa VanderVere seconded the motion.

The motion to approve the Conditional Special Use Permit and Site Plan based on findings of fact A through G being found in the affirmative with conditions identified within the Staff Report was unanimously approved by the Board Members present.



TRC Comment Sheet

DATE: 6/6/2011
TYPE: SITE PLAN
FILE NUMBER: 11-90000027
FILE NAME: BUFFALO WILD WINGS GRILL & BAR
APPLICANT: PARKER & ASSOCIATES

DEPARTMENT: Development Services
DIVISION: Planning
PLAN REVIEWER: JEREMY SMITH

Revisions made. Approved

DEPARTMENT: Development Services
DIVISION: Planning - Addressing
PLAN REVIEWER: Pam Cunningham

Tax Map & Parcel 339G-1.2 address is 4175 Western Blvd. Address subject to change if subdivision occurs.

DEPARTMENT: Public Services
DIVISION: Streets – Signs
PLAN REVIEWER: Anthony Day

All crosswalks shall meet the MUTCD, NCDOT Standard Highway Drawings, (Sheet 1205.07 for a High Visibility crosswalk. All Pavement markings on City Streets will be Thermo-Plastic. (Bars should be 2 ft wide and 10 ft long).

DEPARTMENT: Planning and Development Services
DIVISION: Building Inspection
PLAN REVIEWER: Kelly Gurganus

BUFFALO WILD WINGS
NO COMMENTS 6-1-11

DEPARTMENT: Public Services
DIVISION: Engineering - Utilities
PLAN REVIEWER: Michael Moore

Revisions made. Approved

Exhibit

C

DEPARTMENT: Public Services
DIVISION: Engineering - Works
PLAN REVIEWER: Tom Anderson

Revisions made. Approved

DEPARTMENT: NCDOT
PLAN REVIEWER: Robert Vause

Summit for driveway permit.

DEPARTMENT: Police Department
DIVISION: East
PLAN REVIEWER: Sean Magill, Traffic Lt

Approved as submitted

DEPARTMENT: Progress Energy Carolinas Inc.
PLAN REVIEWER: Jackie Lee

No comments

DEPARTMENT: Public Services
DIVISION: Sanitation
PLAN REVIEWER: Kerry Terrell

Revisions made. Approved

DEPARTMENT: Planning & Development Services
DIVISION: MPO Division
PLAN REVIEWER: Adrienne McTigue, amctigue@ci.jacksonville.nc.us, 910.938.5073

1. Stop bar should be located on east drive access to adjacent property.
2. The face of wheel stops should be placed 2 ½' away from the front of the parking space.

DEPARTMENT: Public Services
DIVISION: Engineering – Storm Water
PLAN REVIEWER: Aldon Cox

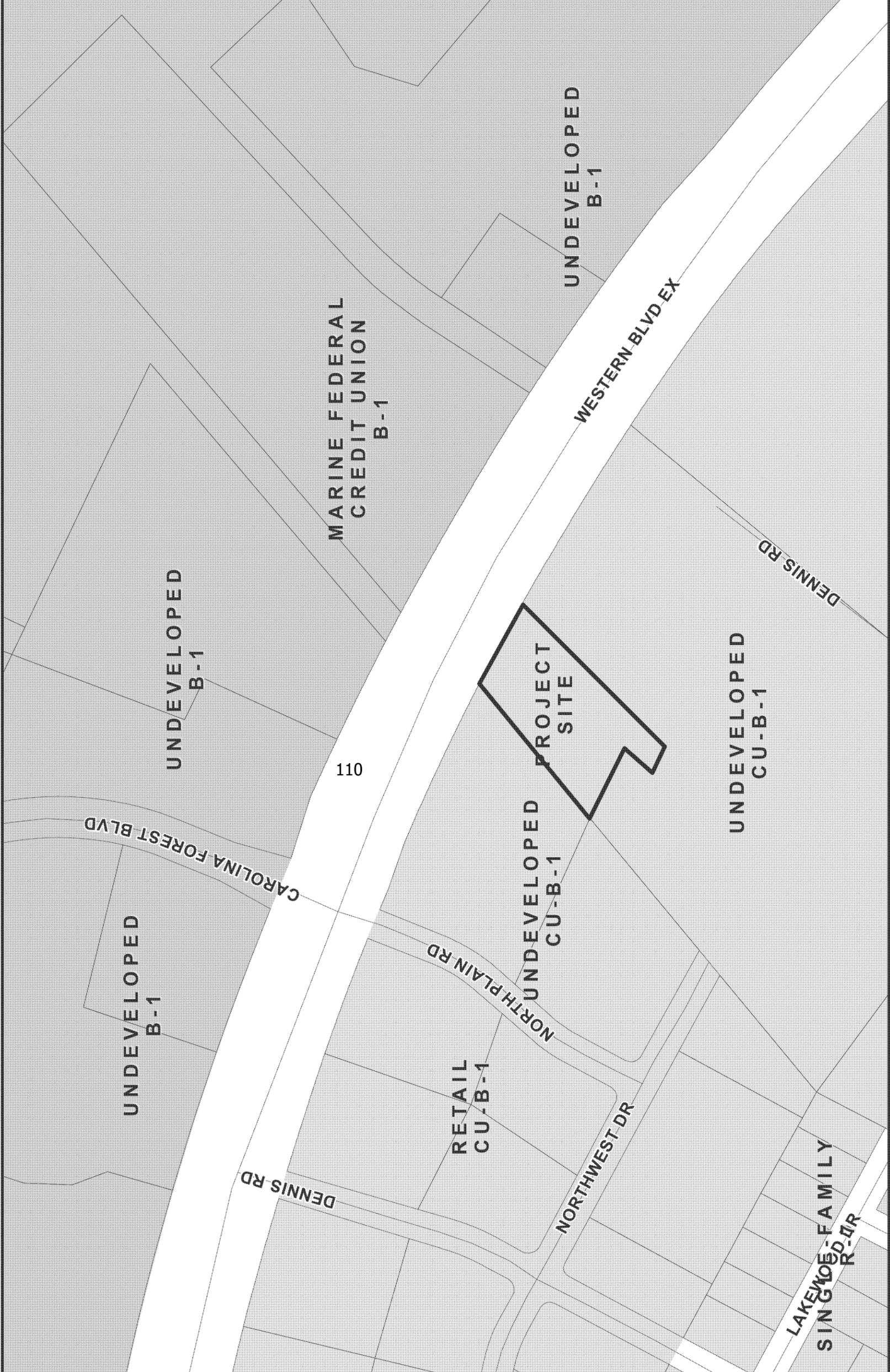
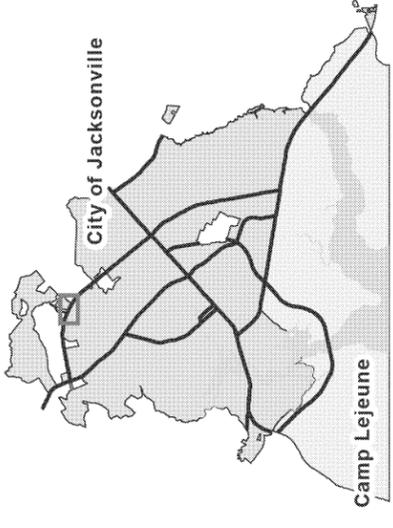
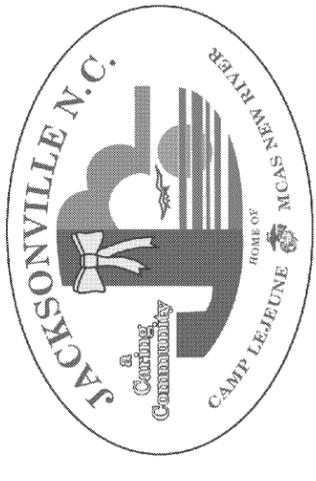
Based upon our cursory review of the submitted information it appears that an Off-site Stormwater Permit is required for the submitted plan.

DEPARTMENT: Fire Department
DIVISION: Fire Prevention/Inspections
PLAN REVIEWER: Chief John Reed
PROJECT NBR:
PROJECT DESC: BUFFALO WILD WINGS GRILL & BAR

Item	Complies	Does Not Comply	N/A	See Note # Below
1. Construction Type and Dimensions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Structure Location(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Street Names	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Street and Cul-de-sac Dimensions, including radius	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Dead-end Limitations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Fire Apparatus Access Roads and Emergency Response Route Designations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Fire Lanes	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Adjoining property, including all future access roads	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Fire Hydrant Location(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Other:				

Note #	Comment/Requirement	Reference
	Revisions made. Approved	

BUFFALO WILD WINGS - WESTERN BLVD



Legend

- Centerlines
- Parcels

Zoning TV Colors

Zones

IND	CU-B	B-1	CU-B-1	B-2	CU-B-2	O&I	CU-O&I	TCA	CU-TCA	CBD	OMU	NB	CU-NB	R-O	RA-20	CU-RA-20	RS-12	RS-10	R-7	RS-7	RS-6	RM-6	RS-5	RM-5	CU-RM5	RD-5	RD-3	CU-RD-3	MR
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Exhibit **D**

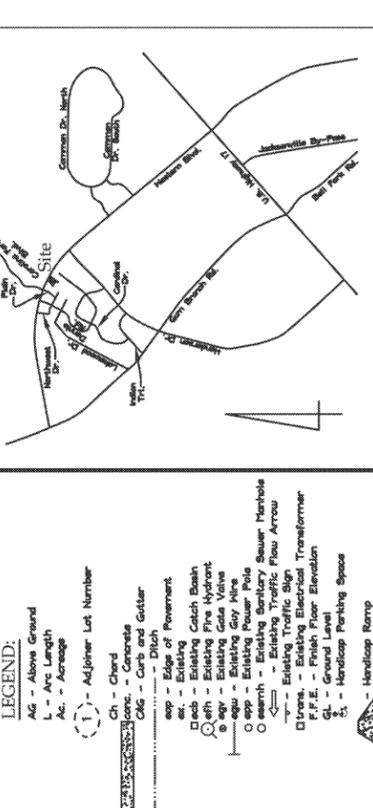
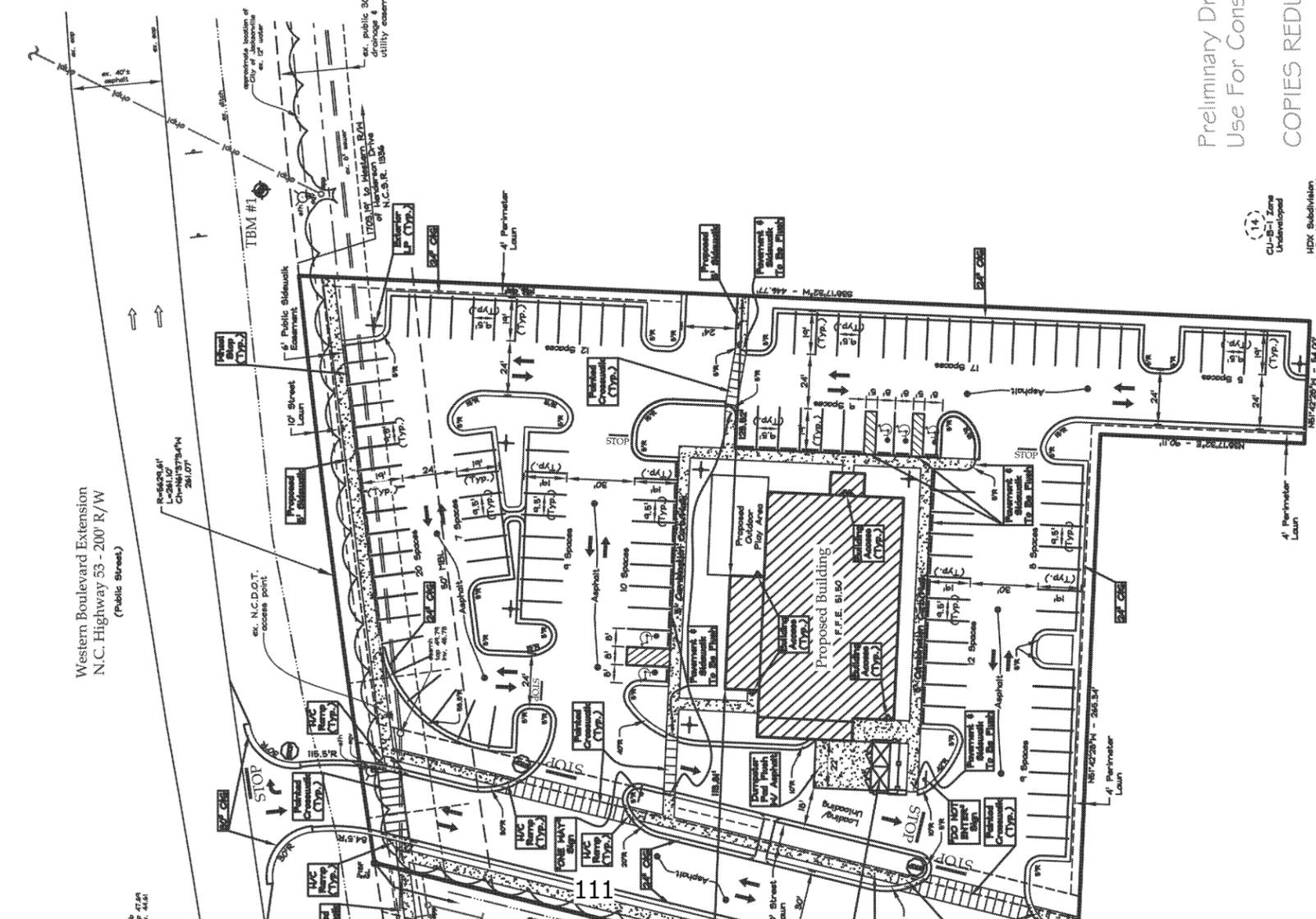


Disclaimer: This Map is intended to use for planning purposes only. City of Jacksonville or its individual departments are not liable for any data inaccuracies. Once again this map should not be used for any legal boundary determinations and data displayed on this map is collected from various different sources.

General Notes:

- Development area is cleared.
- All easements to be Drainage & Utility at dimensions shown, unless otherwise noted.
- There are no Areas of Environmental Concern as defined by GMA on this site.
- This project is not affected by any special flood hazard area based upon FEMA map CPN 370178 4376J (City of Jacksonville). Effective Nov. 3, 2005.
- Topographic contours taken from a survey by Parker and Associates, Inc. dated 04/06/11 and shown on Existing Conditions Plan, sheet 5 of 9.
- Proposed elevations shown on sheet 5 of 9.
- Utility lines shown on sheet 5 of 9.
- Proposed easements shall not adversely affect any traffic or adjacent property.
- All distances are horizontal ground, U.S. Survey Feet.
- No record search done by, or furnished to surveyor in regard to zoning, setbacks, easements or restrictions.
- Existing ditch banks are not to be disturbed. If existing ditch banks are disturbed, they shall be regraded to have a minimum 2% slope.
- Stormwater drains to a unnamed tributary to Mill Creek.
- The GPS portion of the boundary work was performed to third order, Class 1, FGCC specifications. The coordinates were obtained by Real Time Kinematic Differential GPS Observations using Trimble survey grade 5800 GPS Unit, NGS NTR Network and NAD 83 datum.
- Elevation per COJ Utility Plans and field locations.
- For additional details, see specifications and additional plans.
- Boundary data per survey by Parker & Associates, Inc. dated 04/06/11.
- Areas noted for trails and greenways and/or required sidewalks shall be unobstructed from 6 inches below grade to 10 feet above grade (overhead clearance). Telephone pedestals, electric transformers, drop inlets, manholes, and other utility structures shall be removed and/or relocated in order to create and maintain this clearance.
- Site subject to Jacksonville Comprehensive Bicycle and Pedestrian Plan. Sidewalks will be free of cracks and breaks prior to the issuance of a Final Certificate of Occupancy.
- Pedestrian crosswalks need to be painted and signed in accordance with the Manual.
- STOP sign shall be a minimum of 4' behind the crosswalks.
- Pavement markings in or leading to public R/W shall be thermoplastic with reflective glass beads.
- One dumpster will be a recycling dumpster for cardboard, plastic, and other recycling materials. The other dumpster will be for refuse.

TBM #1
Central Point #4
City of Jacksonville
N- 589822.9770
E- 247774.7720
Elev. 46.46 (NAD 83 Datum)



TRACT DATA

Total Acreage	2.31 Ac.
Area of land to be developed	2.31 Ac.
Area in parks or other recreation land usage	0 Ac.
Area in open space	0.46 Ac.
Zone	CP-B-1
Number of lots proposed	1
Number of lots existing	1 (Commercial)
Minimum Lot Size Allowed	N/A
Average Lot Size	N/A
Ownership Status	Fee Simple
Type of Units	Restaurant
Proposed Use(s)	Restaurant
Water Service	Developed
Sanitary Sewer Service	COJ
Stormwater Service	COJ

BUILDING DATA:

Max. Building Height Allowed..... N/A
 Proposed Max. Height of Building..... 20'-7" (1 Story)
 Existing Building Square Footage..... 0 S.F.
 Proposed Building Square Footage..... 1,200 S.F.
 Existing Building Square Footage..... 0 S.F.
 Construction Materials..... Stucco, Masonry Veneer

PARKING DATA:

Parking Required..... 1 Space Per Every 4 Persons (280/4) = 70 Spaces
 Compact Spaces Allowed (up to 25% for lots w/ 10 or more spaces)..... 18 Spaces (5 H/C Spaces)
 Parking Provided..... 118 Spaces (5 H/C Spaces)
 Compact Spaces Provided..... 0 Spaces
 Existing Parking..... 0 Spaces
 Total Parking..... 118 Spaces (5 H/C Spaces)

LANDSCAPING DATA:

Boundary..... 100,624 S.F. = 2.31 Ac.
 Existing VNA..... 0 S.F.
 Proposed VNA..... 65,770 S.F.
 Existing ISA..... 0 S.F.
 Proposed ISA..... 72,889 S.F.
 ISA with Building..... 81,189 S.F.
 Proposed ISA..... 81,189 S.F. (Total)
 Existing ISR..... 0.009%
 Proposed ISR..... 0.807% (Moderately High)
 Landscaping is approved as a decorative design.

**THIS DOCUMENT
 ORIGINALLY
 ISSUED AND SEALED BY
 EDWIN N. FOLEY,
 P.L.S. L-2884,
 ON 05/31/11.
 THIS MEDIA SHALL
 NOT BE CONSIDERED
 A CERTIFIED DOCUMENT.**

All Dimensions Are From Face Of Curb To Face Of Curb.

Special Use, A NOTED DIMENSIONAL PLAN - Type 2

BUFFALO WILD WINGS
 Lot 13 & 14, HDX Subdivision
 475 Western Boulevard
 Jacksonville, TN, Onslow Co., North Carolina

JCL Properties, Inc.
 106 South Main Street
 Wilmington, NC 28403
 (910) 347-1100

DATE: 05/09/11
 SCALE: 1" = 30'



Exhibit

E

Preliminary Drawings - Do Not Use For Construction
 COPIES REDUCED

FIELD BOOK C.O.J. 11-75-76
 PLANNING BOARD MEETING
 FLUORINE, BUFFALO WILD WINGS - gen.DWG
 JOB NO. 110114-502

J.S. Sheet 1 of 8

Rev. 05/31/11 JB - Added site address in title block, general notes #25-29, # traffic control measures on site; revised general note #12; removed 2 parking spaces

L:\Land Projects\Buffalo Wild Wings - gen.DWG, 6/6/2011 4:49:36 PM, JJS



Request for City Council Action

Agenda Item:	6
Date:	7/19/2011

Subject: Public Hearing (*Quasi-Judicial*) - Conditional Use Permit and Site Plan – State Employees Credit Union – 114 North Plain Road

Department: Development Services

Presented by: Jeremy B. Smith, Senior Planner

Presentation: Yes

Issue Statement

O'Brien/Atkins Associates, LLC has submitted a Conditional Use Permit and Site Plan application for a proposed 10,504 square foot bank. The 2.69 acre development site is located at 114 North Plain Road within the City limits. The property is zoned Conditional Use-Business-1 (CU-B-1) and within this district any use requires a Conditional Use Permit.

The proposed development will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

Financial Impact

None

Action Needed

- Conduct Public Hearing
- Consideration of the Conditional Use Permit and Site Plan

Recommendation

The Planning Board and Staff recommend Council move to approve the Conditional Use Permit and Site Plan based on findings of fact A through G being found in the affirmative with conditions identified within the Staff Report.

Approved: City Manager City Attorney

Exhibits:

- A Special/Conditional Use Permit Worksheet
- B June 13, 2011 Planning Board Minutes
- C TRC Comment Sheet
- D Zoning and Land Use Map
- E Site Plan



Staff Report

Public Hearing (*Quasi-Judicial*) - Conditional Use Permit and Site Plan – State Employees Credit Union – 114 North Plain Road

Introduction

O'Brien/Atkins Associates, LLC has submitted a Conditional Use Permit and Site Plan application for a proposed 10,504 square foot bank. The 2.69 acre development site is located at 114 North Plain Road within the City limits. The property is zoned Conditional Use-Business-1 (CU-B-1) and within this district any use requires a Conditional Use Permit

The proposed development will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

Procedural History

- On May 9 2011, O'Brien/Atkins Associates, LLC submitted an application for this Conditional Use Permit and Site Plan.
- On June 13, 2011 Planning Board recommended approval of this request.
- On July 19, 2011 City Council will conduct a public hearing and consider this request.

Stakeholders

- State Employees Credit Union – Owner
- O'Brien/Atkins Associates, LLC – Applicant/Surveyors/Engineers/Land Planners
- Adjacent property owners – Per the City of Jacksonville Zoning Ordinance, all property owners within 200 feet of the subject parcel have been notified of the proposed public hearing conducted by City Council. Furthermore, have been posted on site and legal ads published in the local newspaper.

Zoning Assessment

The property is located in the City Limits and is zoned Conditional Use-Business-1 (CU-B-1). It is bordered to the north across Western Boulevard by undeveloped property, zoned B-1; and to the east and south by undeveloped property, zoned CU-B-1; and to the west across North Plain Road by a retail shopping center (Batteries Plus), zoned CU-B-1.

Land Use Assessment

Adopted CAMA Land Use Plan (1999)

The adopted CAMA Plan from 1999 identifies the area's land classification as "Urban Transition." Areas that are identified as "urban transition" are presently being developed for urban purposes or will be in the next five to ten years. "Urban transition" land accommodates a variety of uses from residential, commercial, industrial and other land uses at high or moderate densities in excess of 3 units per acre.

While the 1999 Plan is the City's only adopted CAMA Plan at this time, the age of the plan should be recognized and as such and the Plan's broad nature should be viewed as a historical document instead of a true guide for future growth and development.

The Growth Management Element Plan Future Land Use Map (2007)

The Growth Management Element Plan (GME) identifies the subject parcels as Regional Commercial (RC) in its Future Land Use Map.

Regional Commercial Intended for services, large-scale retail and wholesaling activities that serve the entire community and the region. RC areas should have access to a major thoroughfare.

The GMP Future Land Use Map is sometimes an accurate depiction of current land uses in Jacksonville, but it sometimes does not take into consideration future growth patterns and trends. Because of this short-term land use approach, all Future Land Use Amendments should consider previously adopted plans, the GMP Map and existing and proposed development trends in the general area.

Evaluation

Staff believes that the proposed project's land use is consistent with the GME FLU Map & Plan. Further the proposed development and its associated land use is complementary to the surrounding designated land uses of the draft CAMA Plan.

Sewer Allocation Assessment

The proposed development will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

Parking Assessment

In accordance with Section 102 Parking Requirements, banks are required to provide 1 parking space per 250 square feet of the main building and 2 additional spaces for stacking at each drive through lane. This project requires 31 parking spaces; however, the developer is proposing 59 parking spaces.

Traffic Impact Assessment

As required by the Jacksonville Zoning Ordinance, an external Transportation Impact Analysis (TIA) was conducted for this development. The draft TIA was submitted by Ramey Kemp and Associates on January 5, 2011 and was reviewed by NCDOT. The final TIA was submitted on March 8, 2011. The TIA evaluated the traffic impact of a 10,504, - square foot bank with 5 drive-thru lanes. Access is proposed via two driveways along North Plain Road. The northern most driveway is proposed to be an egress only driveway, while the southern driveway (approximately 200 feet south of Site Access #1) is proposed to operate with full movement access.

The *ITE Trip Generation Manual, 8th Edition* was used to determine the anticipated traffic volume data for the proposed development, located on the south side of Western Boulevard, across from Carolina Forest Boulevard. Table 1 indicates the average two-way daily traffic volume and the peak hour totals that the development is expected to generate at full build-out. A pass by reduction (47%) was applied to the PM peak hour volumes below to account for PM pass-by trips

Table 1: Estimated Traffic Volumes

Time Period	State Employees Credit Union
Average weekday 2-way volume	696
AM Peak Hour total (7 – 9 AM)	47
PM Peak Hour Total (4 – 6 PM)	137

An existing year 2010 analysis was conducted as well as a 2011 analysis, which projects operations once the development is completed. The TIA identified roadway improvements necessary to mitigate the joint impacts of the proposed development on the adjacent highways. Table 2 summarizes the Level of Service (LOS) results as reported in the TIA.

Table 2: Level of Service Summary (AM Peak / PM Peak)

Intersection	Existing (2010)	No-Build (2011)	Build (2011)
Western Boulevard and North Plain Road	C / C	C / C	C / C
North Plain Road and Site Access #1*	-	-	A / A
North Plain Road and Site Access #2*	-	-	A / A

*LOS reported is for the proposed driveway approach

The proposed bank development is not expected to have a significant traffic impact on the adjacent intersections. The Western Boulevard and Carolina Forest/North Plain Road intersection maintains acceptable operations once the development is completed.

Additionally, the two site driveways are projected to operate acceptably in the future as well. The following roadway improvements were recommended as part of the TIA to ensure safety and acceptable operations:

- Construct an eastbound right-turn lane along Western Boulevard at Carolina Forest Boulevard/North Plain Road with at least 100 feet of storage and appropriate taper.
- Construct Site Access #1 to accommodate a single egress lane and no ingress access; include appropriate signage to restrict traffic from entering the development at this location.
- Construct Site Access #2 to accommodate a single ingress lane and egress lane. This is recommended to be a full movement intersection; however, no exclusive turn lanes are recommended on any approaches.

It is concluded that the SECU development will result in minimal impacts to the surrounding roadway network. If the above mentioned improvements and driveway configurations are constructed, the impacts of the development will be sufficiently mitigated.

Public Hearing Notification

Per the City of Jacksonville Zoning Ordinance, all property owners within 200 feet of the subject parcel have been notified of the proposed public hearing conducted by City Council. Furthermore, have been posted on site and legal ads published in the local newspaper.

Merits of the Conditional/Special Use Permit

Pursuant to Section 118, Special and Conditional Use Permits, of the Zoning Ordinance, staff submits the following findings of fact:

- a. The proposed use is an acceptable use in the zoning district it is being located in;

Staff findings: The property is zoned Conditional Use-Business-1 (CU-B-1) and within this district any use requires a Conditional Use Permit.

- b. The application is complete;

Staff findings: The necessary applications, fees, special use permit have been submitted in accordance with City policies and procedures.

- c. The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements;

Staff findings: Staff believes that the proposed project's land use is consistent with the GME FLU Map & Plan. Further the proposed development and its associated land use is complementary to the surrounding designated land uses of the draft CAMA Plan.

- d. Streets, driveways, parking lots, traffic control and any other traffic circulation features are designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be appropriate for the conditional use;

Staff findings: City staff has determined that the site plan does not meet all applicable standards and approval should be conditioned upon the following:

Conditions of Conditional Use Permit:

Install all required improvements recommend in the TIA.

Conditions of Site Plan:

Revise the site plan per TRC Comments in Exhibit C prior to the issuance of a building permit.

- e. The proposed conditional/special use will not substantially injure the value of adjoining or abutting properties;

Staff findings: The property is located in the City Limits and is zoned Conditional Use-Business-1 (CU-B-1). It is bordered to the north across Western Boulevard by undeveloped property, zoned B-1; and to the east and south by undeveloped property, zoned CU-B-1; and to the west across North Plain Road by a retail shopping center (Batteries Plus), zoned CU-B-1.

Staff has neither found nor been presented with any evidence that the proposed use would substantially injure the value of adjoining or abutting properties.

- f. The proposed conditional/special use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area;

Staff findings: The property is located in the City Limits and is zoned Conditional Use-Business-1 (CU-B-1). It is bordered to the north across Western Boulevard by undeveloped property, zoned B-1; and to the east and south by undeveloped property, zoned CU-B-1; and to the west across North Plain Road by a retail shopping center (Batteries Plus), zoned CU-B-1.

Staff has neither found or been presented with any evidence that the proposed use is not compatible and in harmony with adjoining land uses and the development pattern of the immediate area.

- g. The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

Staff findings: Staff has not been presented with any evidence that the proposed use would materially endanger the public health or safety if located where proposed.

Options

A. Approve the Conditional Permit and Site Plan as presented.

- Pros: None.
- Cons: The proposed site plan does not meet all applicable City Standards.

B. Approve the Conditional Permit and Site Plan with conditions. **(RECOMMENDED)**

- Pros: Allows the process to move forward while ensuring a site plan for staff review is submitted within a reasonable timeframe.
- Cons: None.

Conditions of Conditional Use Permit:

Install all required improvements recommend in the TIA.

Conditions of Site Plan:

Revise the site plan per TRC Comments in Exhibit C prior to the issuance of a building permit.

C. Deny the Conditional Permit and Site Plan request.

- Pros: The proposed site plan does not meet all applicable City Standards.
- Cons: None.

D. Defer Consideration of the request.

- Pros: Deferral would allow staff sufficient time to address any concerns the City Council may have.
- Cons: Deferral would cause unexpected delays for the applicant.

WORKSHEET FOR CONDITIONAL/SPECIAL USE PERMITS

Applicant: O'Brien/Atkins Associates

Location: 115 North Plain Road. (Tax Map & Parcel ID # 339-20.32)

Proposed Use of Property: Bank

1. FINDINGS OF FACT

a.	The application is complete	Yes	No
b.	The proposed use is an allowable Special/Conditional use in the zoning district it is being located in	Yes	No
c.	The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements	Yes	No
d.	Streets, driveways, parking lots, traffic control and other traffic circulation features shall be designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be adequate for the proposed Special/Conditional/conditional use	Yes	No
e.	The proposed Special/Conditional use will not substantially injure the value of adjoining or abutting properties	Yes	No
f.	The proposed Special/Conditional use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area	Yes	No
g.	The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.	Yes	No

2. GRANTING THE SPECIAL/CONDITIONAL USE PERMIT

Motion to grant the Special/Conditional use permit based on items (a) through (g) found to be affirmative.

- The Special/Conditional Use Permit is granted, subject to the following conditions:
- 1) The applicant shall complete the development strictly in accordance with the plans submitted to an approved by City Council.
 - 2) If any conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect: _____

3. DENYING THE SPECIAL/CONDITIONAL USE PERMIT

Motion to deny based on:

- The Application is denied because, if completed as proposed, the development more probably than not: _____
- Will not be in conformity with the City's land use plan and other comprehensive plan elements for the following reasons: _____
- Will substantially injure the value of adjoining or abutting properties for the following reasons: _____
- Will not be compatible and not be in harmony with adjoining land uses and the development pattern of the immediate area for the following reasons: _____

Exhibit A



Planning Board Minutes – June 13, 2011

Agenda Item:	6
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Public Hearing (*Quasi-Judicial*) - Conditional Use Permit and Site Plan – State Employees
Credit Union – 114 North Plain Road

O'Brien/Atkins Associates, LLC has submitted a Conditional Use Permit and Site Plan application for a proposed 10,504 square foot bank. The 2.69 acre development site is located at 114 North Plain Road within the City limits. The property is zoned Conditional Use-Business-1 (CU-B-1) and within this district any use requires a Conditional Use Permit.

The proposed development will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

The property is located in the City Limits and is zoned Conditional Use-Business-1 (CU-B-1). It is bordered to the north across Western Boulevard by undeveloped property, zoned B-1; and to the east and south by undeveloped property, zoned CU-B-1; and to the west across North Plain Road by a retail shopping center (Batteries Plus), zoned CU-B-1.

The adopted CAMA Plan from 1999 identifies the area's land classification as "Urban Transition." Areas that are identified as "urban transition" are presently being developed for urban purposes or will be in the next five to ten years. "Urban transition" land accommodates a variety of uses from residential, commercial, industrial and other land uses at high or moderate densities in excess of 3 units per acre.

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Staff believes that the proposed project's land use is consistent with the GME FLU Map & Plan. Further the proposed development and its associated

Exhibit

B

land use is complementary to the surrounding designated land uses of the draft CAMA Plan.

Chairman Lesan asked if they are putting in a turn lane. Mr. Smith replied yes the TIA recommends and it is required. Ms. Wyrick asked is there a light there. Mr. Smith replied yes. Ms. VanderVere asked will this be a second office for them or are they replacing their other building. Mr. Smith replied they will be closing that facility once this is constructed.

Mr. King stated the State Employees is being impacted by the Jacksonville Parkway, where you have the road that come off between the Lowe's and Bed Bath and Beyond and between the Ruby Tuesday's and the existing facility. I believe that is what kind of created the need for the Credit Union to relocate their branch.

Mr. Spring stated he noticed there are no plans to have a back connectivity to any developed property on the side, side of this. Mr. Smith replied we are discussing that with the applicant and their engineer. Mr. King replied the State Employees was turned in before the adjoiner was with the Buffalo Wild Wings. As soon as we got those plans we did share that with the applicant of State Employees to let them know that may be an opportunity should they choose to make that connection.

Chairman Lesan offered Opportunity for State Employees Credit Union to come forward and speak.

Mr. Dave Keiser, with O'Brien/Atkins Associates, designer for this facility; stated in reference to inter-connectivity we feel it would be a hardship on the members of the Branch Bank. Due to the traffic it would generate from adjacent uses. We have access to the traffic light on Western Blvd. There is no need for us to have inter-connectivity to get to that traffic light. There are plans in place to connect to other roads within the subdivision and that is why we have not shown inter-connectivity to our property. We just feel it would generate undo traffic within the property and be unsafe conditions for members of the branch.

Mr. Spring asked so this will forever be a closed off loop. Mr. Keiser replied the traffic pattern within the site itself. Mr. Spring asked even if there is development on this side (pointing to map in packet). Mr. Spring asked if you are Buffalo Wild Wings and you want to run over to the Credit Union to pick up some money, you will have to go back out and come back in and around.

Mr. Keyes asked about the drive coming in that is closest to Western, is that going to be two way traffic; right turn only. Mr. Smith replied it's an exit only to the right. Mr. Smith replied one of our conditions is to increase the radius out more to deter any traffic. Mr. Keyes asked would traffic be able to come across the service road. Mr. Smith replied no, when staff discussed reviewed this our suggestion was to make it a full cross connection or to force it to a right out.

Vice Chairperson Sandra Wyrick moved to approve the Conditional Use Permit and Site Plan based on findings of fact A through G being found in the affirmative with conditions identified with the Staff Report. Thomasine Moore seconded the motion.

The motion to approve the Conditional Use Permit and Site Plan based on findings of fact A through G being found in the affirmative with conditions identified with the Staff Report was approved by the Board Members present. The motion was voted for by Vice Chairperson Sandra Wyrick, Thomasine Moore, Homer Spring, Theresa VanderVere, and Danny Williams and against by Pauline Joos, and Alfred Keyes.



TRC Comment Sheet

DATE: 6/6/11
TYPE: SITE PLAN
FILE NUMBER: 11-90000029
FILE NAME: STATE EMPLOYEE CREDIT UNION
APPLICANT: DAVID R. KAISER

DEPARTMENT: Development Services
DIVISION: Planning
PLAN REVIEWER: JEREMY SMITH

Increase radius on right out-only drive closest to Western Blvd. Preventing any left turn movement.

DEPARTMENT: Development Services
DIVISION: Planning - Addressing
PLAN REVIEWER: Pam Cunningham

Since building faces North Plain Road, the address is 114 North Plain Road. If the building is turned to face Western it will be 4205 Western Blvd. Please label plan with the address according to how the building faces.

DEPARTMENT: Public Services
DIVISION: Streets – Signs
PLAN REVIEWER: Anthony Day

Revisions made. Approved.

DEPARTMENT: Planning and Development Services
DIVISION: Building Inspection
PLAN REVIEWER: Kelly Gurganus

Revisions made. Approved.

DEPARTMENT: Public Services
DIVISION: Engineering - Utilities
PLAN REVIEWER: Michael Moore

Revisions made. Approved.

Exhibit C

DEPARTMENT: Public Services
DIVISION: Engineering - Works
PLAN REVIEWER: Tom Anderson

1. Show high visibility crosswalks across North Plain Road at the R/W of Western Boulevard.

I am unable to locate where this has been done.

DEPARTMENT: NCDOT
PLAN REVIEWER: Robert Vause

Apply for Encroachment Agreement to cover right turn lane on Western Blvd. Show roadway improvements as outlined in T.I.A.

DEPARTMENT: Police Department
DIVISION: East
PLAN REVIEWER: Sean Magill, Traffic Lt

Revisions made. Approved.

DEPARTMENT: Progress Energy Carolinas Inc.
PLAN REVIEWER: Jackie Lee

No comments

DEPARTMENT: Public Services
DIVISION: Sanitation
PLAN REVIEWER: Kerry Terrell

Revisions made. Approved

DEPARTMENT: Planning & Development Services
DIVISION: MPO Division
PLAN REVIEWER: Adrienne McTigue, amctigue@ci.jacksonville.nc.us, 910.938.5073

Revisions made. Approved.

DEPARTMENT: Public Services
DIVISION: Engineering – Storm Water
PLAN REVIEWER: Aldon Cox

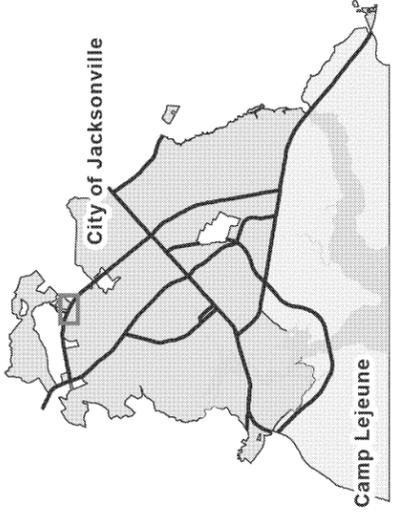
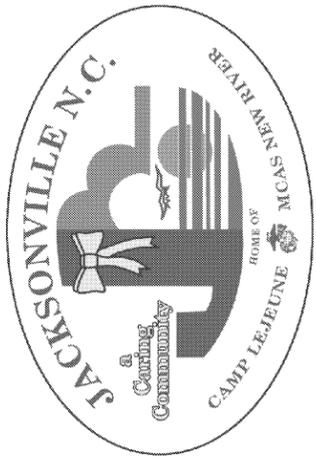
Revisions made. Approved.

DEPARTMENT: Fire Department
DIVISION: Fire Prevention/Inspections
PLAN REVIEWER: Chief John Reed
PROJECT NBR:
PROJECT DESC: STATE EMPLOYEE CREDIT UNION

Item	Complies	Does Not Comply	N/A	See Note # Below
1. Construction Type and Dimensions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Structure Location(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Street Names	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Street and Cul-de-sac Dimensions, including radius	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Dead-end Limitations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Fire Apparatus Access Roads and Emergency Response Route Designations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Fire Lanes	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Adjoining property, including all future access roads	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Fire Hydrant Location(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Other:				

Note #	Comment/Requirement	Reference
	11-90000029	
	APPROVED	

STATE EMPLOYEES CREDIT UNION - WESTERN BLVD



Legend

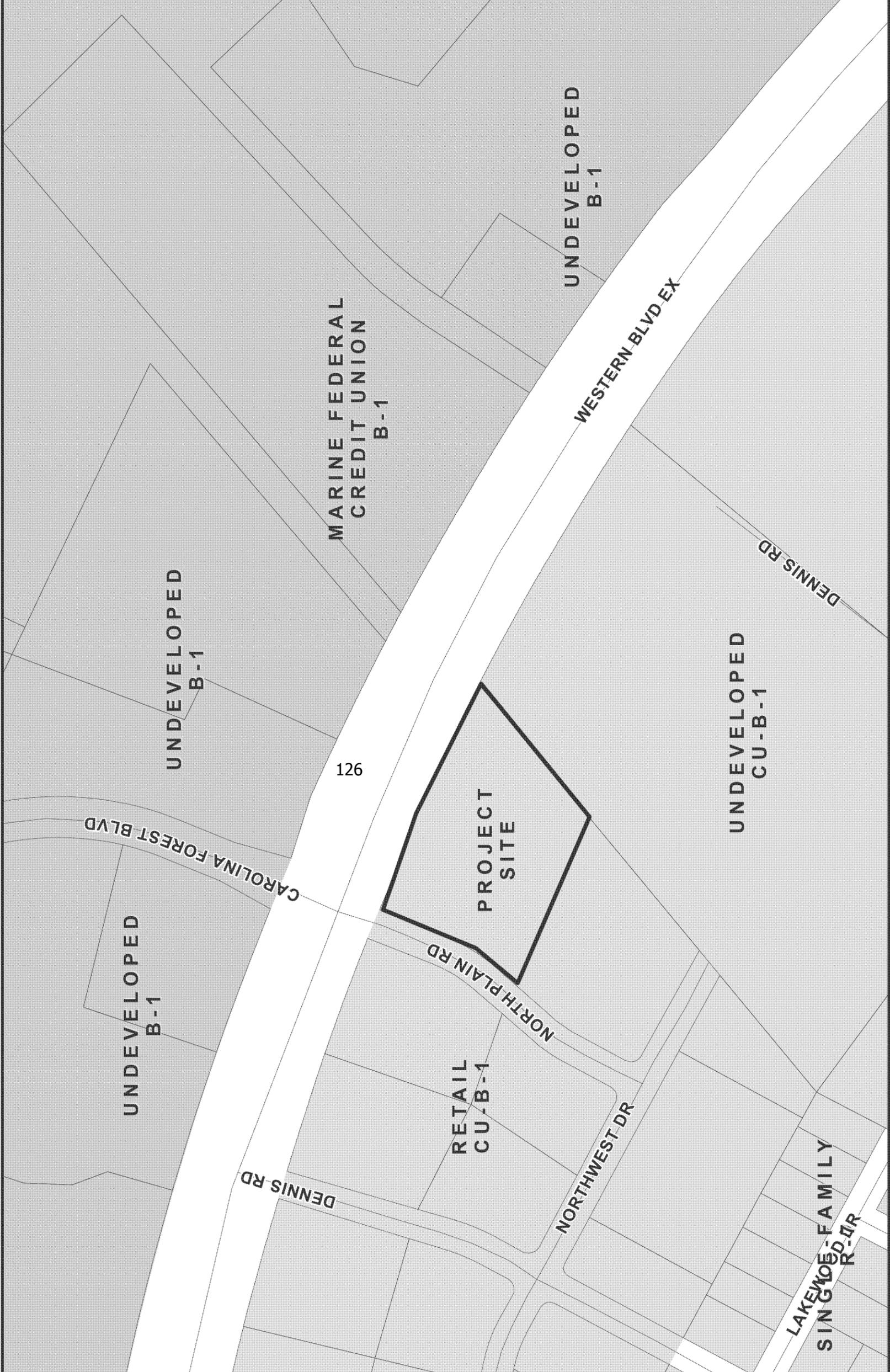
- Centerlines
- Parcels

Zoning TV Colors

Zones

IND	CU-B	B-1	CU-B-1	B-2	CU-B-2	O&I	CU-O&I	TCA	CU-TCA	CBD	OMU	NB	CU-NB	R-O	RA-20	CU-RA-20	RS-12	RS-10	R-7	RS-7	RS-6	RM-6	RS-5	RM-5	CU-RM5	RD-5	RD-3	CU-RD-3	MR
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Exhibit **D**

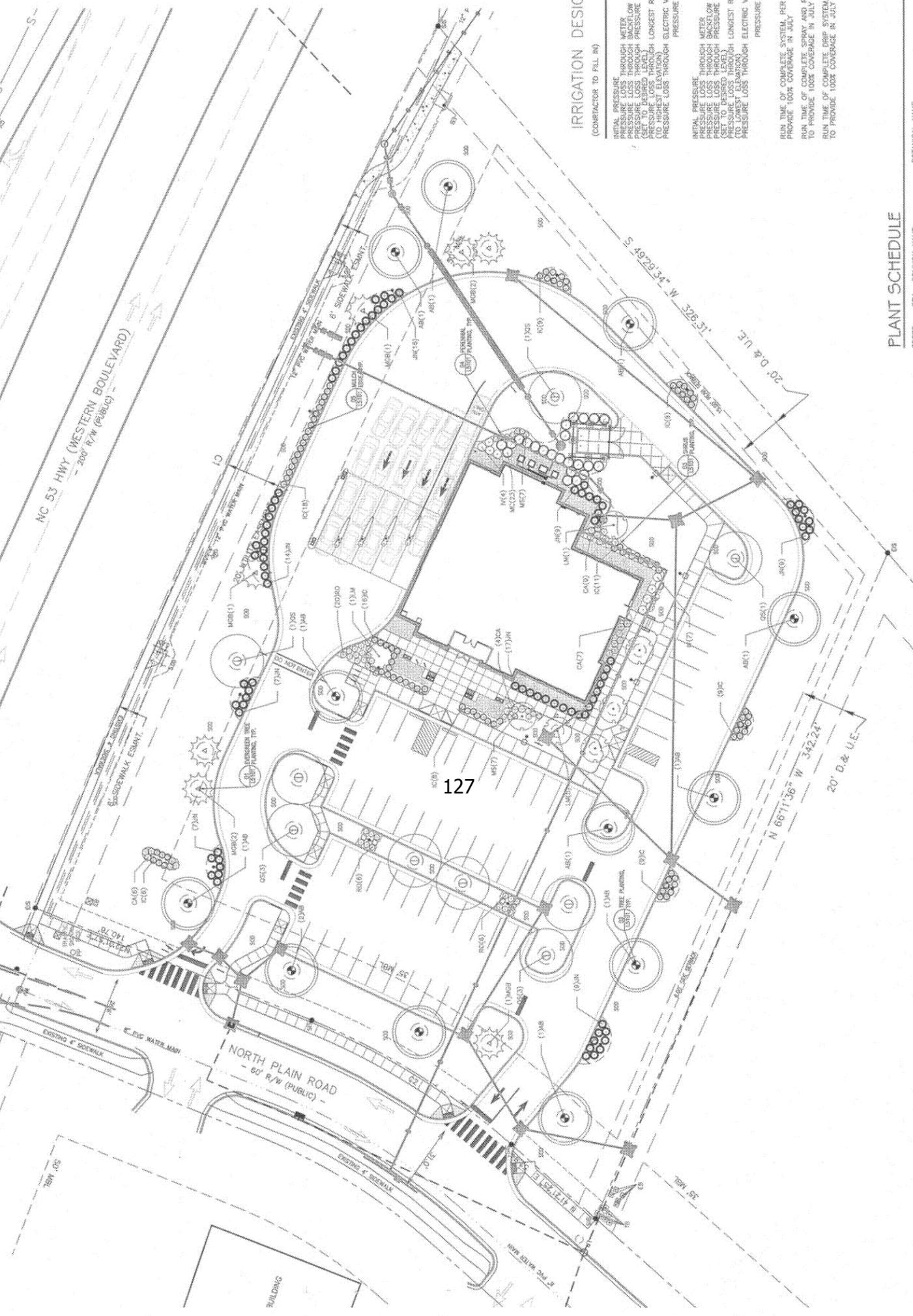


Disclaimer: This Map is intended to use for planning purposes only. City of Jacksonville or its individual departments are not liable for any data inaccuracies. Once again this map should not be used for any legal boundary determinations and data displayed on this map is collected from various different sources.



Exhibit
E

- NOTES**
1. ALL NEW PLANT AREAS OF SITE ARE TO BE IRRIGATED AND TO BE SUBMITTED TO THE ARCHITECT FOR REVIEW PRIOR TO INSTALLATION.
 2. LANDSCAPE CONTRACTOR TO VERIFY LOCATION OF UNDERGROUND UTILITIES BEFORE PLANTING.
 3. PLANT SPACING 3 FEET FROM CURB IN PARKING AREAS.
 4. PLANT MATERIAL WILL BE REJECTED UNLESS ANY AND ALL SPECIFICATIONS ARE MET. ALL PLANT MATERIAL MUST BE AND VARIETY SHOWN. ANY MATERIAL WITH EVIDENCE OF DISEASE OR PEST INFESTATIONS WILL BE REJECTED. ALL MATERIAL WILL BE REJECTED UNLESS IT IS PROVEN TO BE FREE OF PESTS. ALL MATERIAL MUST BE PERMITTED ONLY UPON SUBMISSION OF WRITTEN PROOF TO THE ARCHITECT THAT A SPECIFIED PLANT IS NOT OBTAINABLE.
 5. ALL DISTURBED AREAS ARE TO BE STABILIZED WITH LAWN, PLANTINGS, OR MULCH.



IRRIGATION DESIGN PERFORMANCE TABLE
 (CONTRACTOR TO FILL IN)

INITIAL PRESSURE THROUGH METER ON ANTI-SUCKER	INITIAL PRESSURE THROUGH METER	INITIAL PRESSURE THROUGH BACKFLOW PREVENTER	INITIAL PRESSURE THROUGH METER ON ANTI-SUCKER
PSI	PSI	PSI	PSI
PRESSURE LOSS THROUGH PRESSURE REDUCER			
(SET TO DESIRED LEVEL)			
PSI	PSI	PSI	PSI
LONGEST RUN OF PIPE			
(TO HIGHEST ELEVATION)	(TO HIGHEST ELEVATION)	(TO HIGHEST ELEVATION)	(TO HIGHEST ELEVATION)
PSI	PSI	PSI	PSI
PRESSURE LOSS THROUGH ELECTRIC VALVE			
PSI	PSI	PSI	PSI
PRESSURE AT HIGHEST HEAD			
PSI	PSI	PSI	PSI
PRESSURE AT LOWEST HEAD			
PSI	PSI	PSI	PSI
RUN TIME OF COMPLETE SYSTEM, PER WEEK, TO PROVIDE 100% COVERAGE IN JULY	RUN TIME OF COMPLETE SYSTEM, PER WEEK, TO PROVIDE 100% COVERAGE IN JULY	RUN TIME OF COMPLETE SYSTEM, PER WEEK, TO PROVIDE 100% COVERAGE IN JULY	RUN TIME OF COMPLETE SYSTEM, PER WEEK, TO PROVIDE 100% COVERAGE IN JULY
HRS/ WEEK	HRS/ WEEK	HRS/ WEEK	HRS/ WEEK

PLANT SCHEDULE

IRREES	QTY	COMMON NAME	SCIENTIFIC NAME	COL.	DETAIL	REMARKS
AB	12	Bontire Sugar Maple	Acer saccharum 'Bonfire'	3.0"	8'	FULLY MATCHED
LM	7	Crape Myrtle	Lagerstroemia 'Mistral'	2.5"	8'	MULTI TRUNK
MGB	7	Brooks' Southern Magnolia	Magnolia grandiflora 'Brooks' Brown Beauty'	-	8'	FULLY MATCHED
OS	9	Shumard Red Oak	Quercus shumardii	3.0"	-	FULLY MATCHED
CA	26	Summersweet	Deutzia anifolia 'Hummingbird'	24" HT & SPD	COBILT	DETAIL
IC	95	Coralia Holly	Ilex cornuta 'Coralia'	24" HT & SPD	-	DETAIL
IV	11	Henry's Garnet Sweetgum	Liquidambar styraciflua 'Henry's Garnet'	24" HT & SPD	-	FULLY ROOTED
JH	88	'Nick's Compact' Juniper	Juniperus chinensis 'Nick's Compact'	24" HT & SPD	-	FULLY ROOTED
ME	14	Little Kitten Maiden Grass	Miscanthus sinensis 'Little Kitten'	18"	3 GAL.	FULLY ROOTED
MC	23	Wax Myrtle	Myrica cerifera	30" HT & SPD	-	FULLY ROOTED
RO	27	Deer Indian Hawthorn	Rhodaphysalis indica 'Obliv'	18"	-	FULLY ROOTED

NOTE: THIS PLAN HAS BEEN PRINTED AT A REDUCED SIZE. USE 1" = 40' SCALE





Request for City Council Action

Agenda Item:	7
Date:	7/19/2011

Subject: Public Hearing (*Quasi-Judicial*) - Special Use Permit and Site Plan – Air Station Storage – 1121 Old Maplehurst Road

Department: Development Services

Presented by: Jeremy B. Smith Senior Planner

Presentation: Yes

Issue Statement

Bailey and Associates, Inc., has submitted a Special Use Permit and Site Plan application for a proposed 48,000 square foot warehouse, personal storage facility. The 2.65 acre development site is located at 1121 Old Maplehurst Road within the City’s Extraterritorial Jurisdiction. The property is zoned Business-1 (B-1) and within this district warehouse, personal storage facilities require a Special Use Permit.

Financial Impact

None

Action Needed

- Conduct Public Hearing
- Consideration of the Special Use Permit and Site Plan

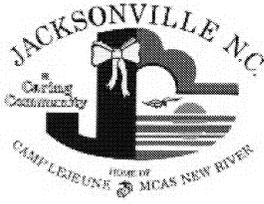
Recommendation

The Planning Board and Staff recommend Council move to approve the Special Use Permit and Site Plan based on findings of fact A through G being found in the affirmative with conditions identified within the Staff Report.

Approved: City Manager City Attorney

Exhibits:

- A Special/Conditional Use Permit Worksheet
- B June 13, 2011 Planning Board Minutes
- C TRC Comment Sheet
- D Zoning and Land Use Map
- E Site Plan



Staff Report

Public Hearing (*Quasi-Judicial*) - Special Use Permit and Site Plan – Air Station Storage –
1121 Old Maplehurst Road

Introduction

Bailey and Associates, Inc., has submitted a Special Use Permit and Site Plan application for a proposed 48,000 square foot warehouse, personal storage facility. The 2.65 acre development site is located at 1121 Old Maplehurst Road within the City's Extraterritorial Jurisdiction. The property is zoned Business-1 (B-1) and within this district warehouse, personal storage facilities require a Special Use Permit.

Procedural History

- On May 6, 2011, Bailey and Associates, Inc. submitted an application for this Special Use Permit and Site Plan.
- On June 13, 2011 Planning Board recommended approval of this request.
- On July 19, 2011 City Council will conduct a public hearing and consider this request.

Stakeholders

- Bailey and Associates, Inc – Owner
- Jacksonville Hospitality Land Development LLC - Applicant
- Intercoastal Engineering – Surveyors/Engineers/Land Planner
- Adjacent property owners – Per the City of Jacksonville Zoning Ordinance, all property owners within 200 feet of the subject parcel have been notified of the proposed public hearing conducted by City Council. Furthermore, have been posted on site and legal ads published in the local newspaper.

Zoning Assessment

The property is located in the City's Extraterritorial Jurisdiction and is zoned Business-1 (B-1). It is bordered to the east, south and west by properties used for various retail and service uses, zoned B-1; and to the north, by property used for multi- and single family, zoned Residential Multi-Family 5 (RM-5).

Land Use Assessment

Adopted CAMA Land Use Plan (1999)

The adopted CAMA Plan from 1999 identifies the area's land classification as "Urban Transition." Areas that are identified as "urban transition" are presently being developed for urban purposes or will be in the next five to ten years. "Urban transition" land accommodates a variety of uses from residential, commercial, industrial and other land uses at high or moderate densities in excess of 3 units per acre.

While the 1999 Plan is the City's only adopted CAMA Plan at this time, the age of the plan should be recognized and as such and the Plan's broad nature should be viewed as a historical document instead of a true guide for future growth and development.

The Growth Management Element Plan Future Land Use Map (2007)

The Growth Management Element Plan (GME) identifies the subject parcels as Neighborhood Commercial (NC) in its Future Land Use Map.

Neighborhood Commercial areas are intended for small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses.

The GMP Future Land Use Map is sometimes an accurate depiction of current land uses in Jacksonville, but it sometimes does not take into consideration future growth patterns and trends. Because of this short-term land use approach, all Future Land Use Amendments should consider previously adopted plans, the GMP Map and existing and proposed development trends in the general area.

Evaluation

Staff believes that the proposed project's land use is consistent with the GME FLU Map & Plan. Further the proposed development and its associated land use is complementary to the surrounding designated land uses of the draft CAMA Plan.

Sewer Allocation

This site will be serviced by ONWASA water and a privately operated sewer system, which also serves the existing Food Lion Shopping Center. Therefore, this project will not impact the City's sewer allocation.

Parking Assessment

In accordance with Section 102 Parking Requirements, warehouses, personal storage are not specifically required any on-site parking; however, staff has the ability and does require parking for the office space associated with this use. The applicant is proposing to provide 7 parking spaces for this project.

Public Hearing Notification

Per the City of Jacksonville Zoning Ordinance, all property owners within 200 feet of the subject parcel have been notified of the proposed public hearing. Furthermore, signs have been posted on site and legal ads published in the local newspaper.

Merits of the Conditional/Special Use Permit

Pursuant to Section 118, Special and Conditional Use Permits, of the Zoning Ordinance, staff submits the following findings of fact:

- a. The proposed use is an acceptable use in the zoning district it is being located in;

Staff findings: The property is zoned Business-1 (B-1) and within this district warehouse, personal storage facilities require a Special Use Permit.

- b. The application is complete;

Staff findings: The necessary applications, fees, special use permit have been submitted in accordance with City policies and procedures.

- c. The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements;

Staff findings: Staff believes that the proposed project's land use is consistent with the GME FLU Map & Plan. Further the proposed development and its associated land use is complementary to the surrounding designated land uses of the draft CAMA Plan.

- d. Streets, driveways, parking lots, traffic control and any other traffic circulation features are designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be appropriate for the conditional use;

Staff findings: City staff has determined that the site plan does not meet all applicable standards and approval should be conditioned upon the following:

Revise the site plan per TRC Comments in Exhibit B prior to the issuance of a building permit.

- e. The proposed conditional/special use will not substantially injure the value of adjoining or abutting properties;

Staff findings: The property is located in the City's Extraterritorial Jurisdiction and is zoned Business-1 (B-1). It is bordered to the east, west, and south by properties used for various retail and service uses, zoned B-1; and to the north, by property used for multi- and single family, zoned Residential Multi-Family 5 (RM-5).

Staff has neither found nor been presented with any evidence that the proposed use would substantially injure the value of adjoining or abutting properties.

- f. The proposed conditional/special use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area;

Staff findings: The property is located in the City's Extraterritorial Jurisdiction and is zoned Business-1 (B-1). It is bordered to the east, west, and south by properties used for various retail and service uses, zoned B-1; and to the north, by property used for multi- and single family, zoned Residential Multi-Family 5 (RM-5).

Staff has neither found or been presented with any evidence that the proposed use is not compatible and in harmony with adjoining land uses and the development pattern of the immediate area.

- g. The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

Staff findings: Staff has not been presented with any evidence that the proposed use would materially endanger the public health or safety if located where proposed.

Options

- A.** Approve the Special Use Permit and Site Plan as presented.

- Pros: None.
- Cons: The proposed site plan does not meet all applicable City Standards.

- B.** Approve the Special Use Permit and Site Plan with conditions: **(Staff and Planning Board Recommended)**

- Pros: Allows the process to move forward while ensuring a site plan for staff review is submitted within a reasonable timeframe.
- Cons: None.

Conditions on the Site Plan

Revise the site plan per TRC Comments in Exhibit C prior to the issuance of a building permit.

- C.** Deny the Special Use Permit and Site Plan request.

- Pros: The proposed site plan does not meet all applicable City Standards.
- Cons: None.

- D.** Defer Consideration of the request.

- Pros: Deferral would allow staff sufficient time to address any concerns the City Council may have.
- Cons: Deferral would cause unexpected delays for the applicant.

WORKSHEET FOR CONDITIONAL/SPECIAL USE PERMITS

Applicant: Bailey and Associates, Inc.

Location: 1121 Old Maplehurst Road (Tax Map & Parcel ID # 333-104)

Proposed Use of Property: Warehouse, personal storage

1. FINDINGS OF FACT

a.	The application is complete	Yes	No
b.	The proposed use is an allowable Special/Conditional use in the zoning district it is being located in	Yes	No
c.	The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements	Yes	No
d.	Streets, driveways, parking lots, traffic control and other traffic circulation features shall be designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be adequate for the proposed Special/Conditional/conditional use	Yes	No
e.	The proposed Special/Conditional use will not substantially injure the value of adjoining or abutting properties	Yes	No
f.	The proposed Special/Conditional use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area	Yes	No
g.	The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.	Yes	No

2. GRANTING THE SPECIAL/CONDITIONAL USE PERMIT

Motion to grant the Special/Conditional use permit based on items (a) through (g) found to be affirmative.

The Special/Conditional Use Permit is granted, subject to the following conditions:

- 1) The applicant shall complete the development strictly in accordance with the plans submitted to an approved by City Council.
- 2) If any conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect: _____

3. DENYING THE SPECIAL/CONDITIONAL USE PERMIT

Motion to deny based on:

The Application is denied because, if completed as proposed, the development more probably than not: _____

Will not be in conformity with the City's land use plan and other comprehensive plan elements for the following reasons: _____

Will substantially injure the value of adjoining or abutting properties for the following reasons: _____

Will not be compatible and not be in harmony with adjoining land uses and the development pattern of the immediate area for the following reasons: _____

Exhibit

A



Planning Board Minutes – June 13, 2011

Agenda Item:	7
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Public Hearing (*Quasi-Judicial*) - Special Use Permit and Site Plan – Air Station Storage –
1121 Old Maplehurst Road

Bailey and Associates, Inc. has submitted a Special Use Permit and Site Plan application for a proposed 48,000 square foot warehouse, personal storage facility. The 2.65 acre development site is located at 1121 Old Maplehurst Road within the City's Extraterritorial Jurisdiction. The property is zoned Business-1 (B-1) and within this district warehouse, personal storage facilities require a Special Use Permit.

City staff recommends the Planning Board move to approve the Special Use Permit and Site Plan based on findings of fact A through G being found in the affirmative with conditions identified within the Staff Report.

Chairman Lesan asked is this going to be buffered by landscaping. Mr. Smith replied there will be a fence. Ms. Moore asked if this is a personal storage facility for the owner of the property. Mr. Smith replied it's a mini storage. Mr. Spring stated this looks like a flat area with asphalt. Mr. Smith stated that is correct. Ms. Joos asked about the traffic on Old Maplehurst Road, how will this impact that? Mr. Smith stated this type of use does not trigger a TIA so I can't tell you the number of counts this traffic will have on that. Mr. Goodson stated this is not a high traffic generated so I don't think it will impact that street too much.

Mr. Keyes asked since it appears over two acres of land will be disturbed, what are the requirements for storm water retention? Mr. Smith replied it will tie into the existing facility previous many years ago permitted by the state and they will be permitted through the states division water quality.

Mr. Keyes asked will that be regular sheet flow or will it be underground? Mr. King replied it will be pipe.

Danny Williams moved to approve the Special Use Permit and Site Plan based on findings of fact A - G being found in the affirmative. Homer Spring seconded the motion.

The motion to approve the Special Use Permit and Site Plan based on findings of fact A - G being found in the affirmative was approved by the Board Members present. The motion was voted for by Vice Chairperson Sandra Wyrick, Alfred Keyes, Thomasine Moore, Homer Spring, Theresa VanderVere, and Danny Williams and against by Pauline Joos.

Exhibit

B



TRC Comment Sheet

DATE: 6/6/2011
TYPE: SITE PLAN
FILE NUMBER: 11-90000023
FILE NAME: AIR STATION STORAGE
APPLICANT: BAILEY & ASSOCIATES

DEPARTMENT: Development Services
DIVISION: Planning
PLAN REVIEWER: JEREMY SMITH

Site Data Block -

Show all required information per Section 112

Site Plan -

- Show curb style used/proposed (mountable can not be used around landscape areas, must be block face or other that prevents vehicles traffic over them)

DEPARTMENT: Development Services
DIVISION: Planning - Addressing
PLAN REVIEWER: Pam Cunningham

Address is 1121 Old Maplehurst Road, Bldgs 1, 2 & 3.

DEPARTMENT: Public Services
DIVISION: Streets – Signs
PLAN REVIEWER: Anthony Day

No comments provided by TRC

DEPARTMENT: Planning and Development Services
DIVISION: Building Inspection
PLAN REVIEWER: Kelly Gurganus

Revisions made. Approved

DEPARTMENT: Public Services
DIVISION: Engineering - Utilities
PLAN REVIEWER: Michael Moore

APPROVED 6/6/11.

Revisions may trigger additional comments.

Exhibit

C

DEPARTMENT: Public Services
DIVISION: Engineering - Works
PLAN REVIEWER: Tom Anderson

The revised plan for Air Station Storage stamped received May 31, 2011 is approved by the Public Works Section.

DEPARTMENT: Jones Onslow EMC
PLAN REVIEWER: Robert Lanier

JOEMC has no issues with this project at this time

DEPARTMENT: NCDOT
PLAN REVIEWER: Robert Vause

Apply for Driveway permit.

DEPARTMENT: Police Department
DIVISION: East
PLAN REVIEWER: Sean Magill, Traffic Lt

Revisions made. Approved

DEPARTMENT: Public Services
DIVISION: Sanitation
PLAN REVIEWER: Kerry Terrell

Revisions made. Approved

DEPARTMENT: Planning & Development Services
DIVISION: MPO Division
PLAN REVIEWER: Adrienne McTigue, amctigue@ci.jacksonville.nc.us,
910.938.5073

1. Place wheel stops in parking spaces for trailers.
2. Show turning analysis of movement for parking spaces that accommodate trailers.
3. All sidewalks should be no less than 5' in width, not including curb.
4. Show handicap ramps on either side of pedestrian connection between building and sidewalk network.

DEPARTMENT: Public Services
DIVISION: Engineering – Storm Water
PLAN REVIEWER: Aldon Cox

It is our understanding the property may have been previously permitted by the N.C. Division of Water Quality. If the project was previously permitted please notify the

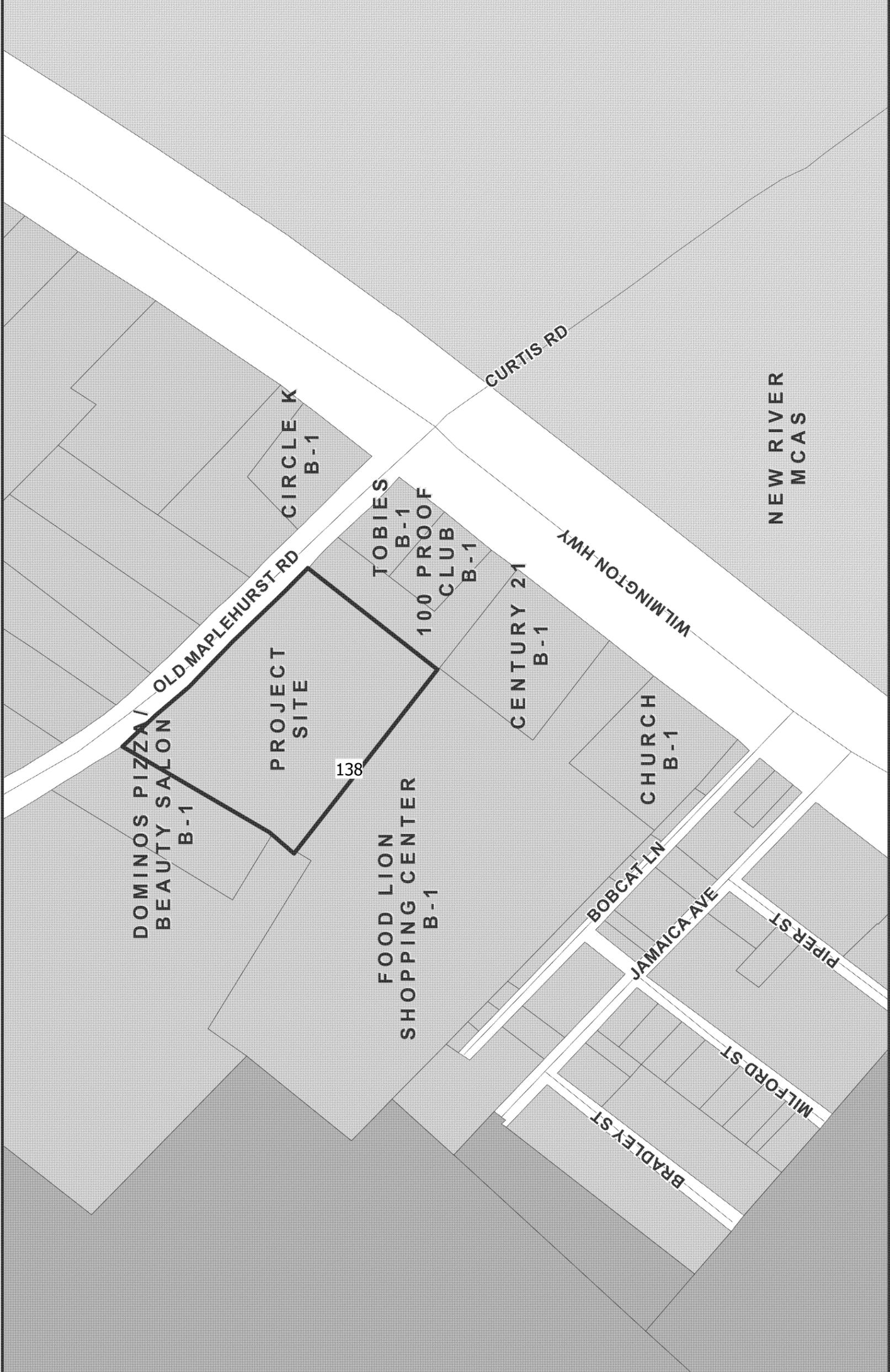
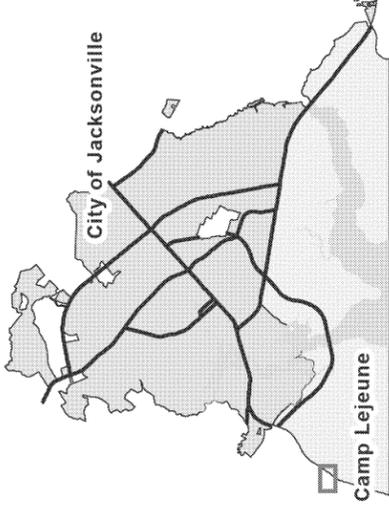
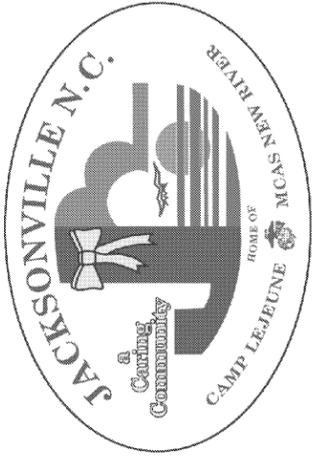
Stormwater Manager in writing and provide a copy of the existing permit and proof of your intentions to submit NCDWQ. The applicant must notify the NCDWQ about the proposed project and submit a permit modification application at the direction of the NCDWQ.

DEPARTMENT: Fire Department
DIVISION: Fire Prevention/Inspections
PLAN REVIEWER: Chief John Reed
PROJECT NBR:
PROJECT DESC: AIR STATION STORAGE

Item	Complies	Does Not Comply	N/A	See Note # Below
1. Construction Type and Dimensions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Structure Location(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Street Names	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Street and Cul-de-sac Dimensions, including radius	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Dead-end Limitations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Fire Apparatus Access Roads and Emergency Response Route Designations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Fire Lanes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Adjoining property, including all future access roads	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Fire Hydrant Location(s)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Other:				

Note #	Comment/Requirement	Reference
	Revisions made. Approved	
	11-90000023	

AIR STATION STORAGE - HENDERSON DRIVE



Legend

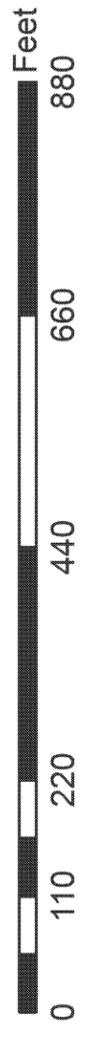
- Centerlines
- Parcels

Zoning TV Colors

Zones

IND
CU-B
B-1
CU-B-1
B-2
CU-B-2
O&I
CU-O&I
TCA
CU-TCA
CBD
OMU
NB
CU-NB
R-O
RA-20
CU-RA-20
RS-12
RS-10
R-7
RS-7
RS-6
RM-6
RS-5
RM-5
CU-RM5
RD-5
RD-3
CU-RD-3
MR

Exhibit
D



Disclaimer: This Map is intended to use for planning purposes only. City of Jacksonville or its individual departments are not liable for any data inaccuracies. Once again this map should not be used for any legal boundary determinations and data displayed on this map is collected from various different sources.



Request for City Council Action

Consent Agenda Item: **8**
Date: 7/19/2011

Subject: Preliminary and General Plan – Tuscany Villas – Carriage Drive
Department: Development Services
Presented by: Jeremy B. Smith, Senior Planner
Presentation: No

Issue Statement

John L. Pierce and Associates has submitted an application for a proposed preliminary and general plan that indicates 2.68 acres being divided into 32 townhouse lots on Carriage Drive. The preliminary and general plan also identifies a private drive to service traffic for the townhouse lots internally.

The proposed development will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

Financial Impact

None

Action Needed

Consideration of the Preliminary and General Plan

Recommendation

Planning Board and City staff recommend Council move to approve the Preliminary and General Plan.

Approved: City Manager City Attorney

Attachments:

- A Draft July 11, 2011 Planning Board Minutes
- B Preliminary and General Plan
- C Zoning and Land Use Map



Staff Report

**Consent
Agenda
Item: 8**

Preliminary and General Plan – Tuscany Villas – Carriage Drive

Introduction

John L. Pierce and Associates has submitted an application for a proposed preliminary and general plan that indicates 2.68 acres being divided into 32 townhouse lots on Carriage Drive. The preliminary and general plan also identifies a private drive to service traffic for the townhouse lots internally. This development creates more than 5 lots and extends water and sewer mains and therefore qualifies as a major subdivision.

The proposed development will impact the City’s Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

Procedural History

- On June 6, 2011 John L. Pierce and Associates submitted this request for review and approval.
- On July 11, 2011 the Planning Board recommended approval of this request.
- On July 19, 2011 City Council will consider this request.

Stakeholders

- John L. Pierce and Associates – Applicant/Design Professional
- Duplin County Investments Group, LLC – Owner/Developer
- Adjacent property owners

Zoning Assessment

The property is located within the City Limits and is zoned Townhouses, Condominiums, and Apartments (TCA). It is bordered to the north across Carriage Drive by apartments, zoned TCA; to the east across Carriage Drive by undeveloped property, zoned TCA; and to the west by a medical office, zoned O&I; and to the south by single-family dwellings, zoned R-7.

Sewer Flow Allocation Assessment

The proposed development will impact the City’s Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

Open Space/Recreation Land

The Parks and Recreation Department will be requiring fee-in-lieu payment for recreation/open space. The fee amount will be calculated in conjunction with the final plat.

Options

- A. Approve the Preliminary and General Plan as presented. **(Recommended)**
 - Pros: The proposed plan meets all applicable City standards.
 - Cons: None

- B. Defer Consideration of the request.
 - Pros: Deferral would allow applicant to address any concerns the City Council may have.
 - Cons: Delays the applicant's ability to proceed with any proposed developments on multiple lots.

- C. Deny the Preliminary and General Plan request.
 - Pros: None
 - Cons: Plan meets all applicable City standards. Denial would be arbitrary.



Planning Board Minutes – July 11, 2011

Consent
Agenda
Item:

8

Preliminary and General Plan – Tuscany Villas – Carriage Drive

John L. Pierce and Associates has submitted an application for a proposed preliminary and general plan that indicates 2.68 acres being divided into 32 townhouse lots on Carriage Drive. The preliminary and general plan also identifies a private drive to service traffic for the townhouse lots internally. This development creates more than 5 lots and water/ sewer main extensions are proposed and therefore qualify as a major subdivision.

The proposed development will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

City staff recommends the Planning Board move to approve the Preliminary and General Plan.

The proposed development will impact the City's Sewer Allocation Policy. Sewer Allocation requests will be processed in accordance with the adopted policy.

Mr. Keyes asked about parking. Mr. Smith replied the parking is being reviewed by staff. Mr. Keyes stated the plan seems to be just driveway parking. Mr. Smith replied each townhome will have two car garages. Mr. Keyes stated the spaces look very close. Mr. Smith replied they are meeting the required building code separation. Mr. King replied there is a minimum standard they have complied with. Mr. Keyes asked if the minimum setbacks have been examined. Mr. Smith replied the townhomes are well with the setbacks.

Ms. Joos asked if a TIA has been done. Mr. Smith replied the threshold for this did not trigger a TIA, therefore a TIA was not completed. Ms. Wyrick asked if they are single story. Mr. Smith replied they are two story with a garage. Ms. Moore asked about the sewer application. Mr. Pierce replied this has been seen before as the Longbourne Tract 2, and at that time it was approved as a condo. We requested sewer allocation and it was approved by city council along with Tract 1. We are doing townhome style instead of condos.

Mr. King replied this is only to split the land into individual lots.

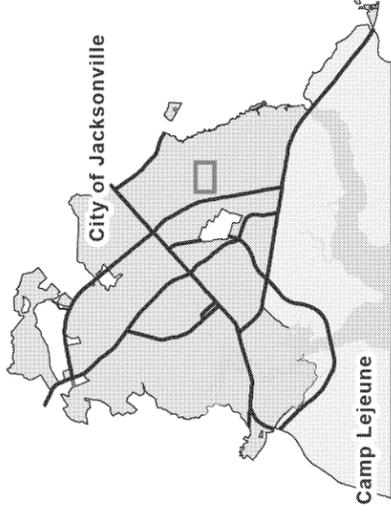
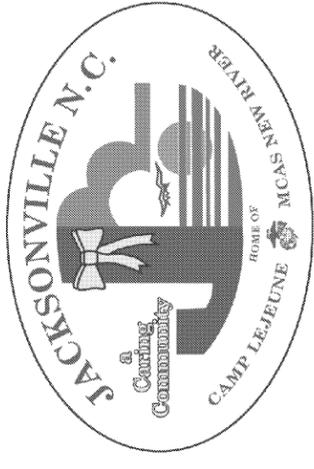
Chuck Quinn moved to approve the Preliminary and General Plan. Thomasine Moore seconded the motion.

The motion to approve the Preliminary and General Plan was approved by the Board Members present. The motion was voted for by Vice Chairperson Sandra Wyrick, Alfred Keyes, Thomasine Moore, Chuck Quinn, Homer Spring, and Danny Williams and against by Pauline Joos.

Attachment

A

Tuscany Villas - Townhome Subdivision



Legend

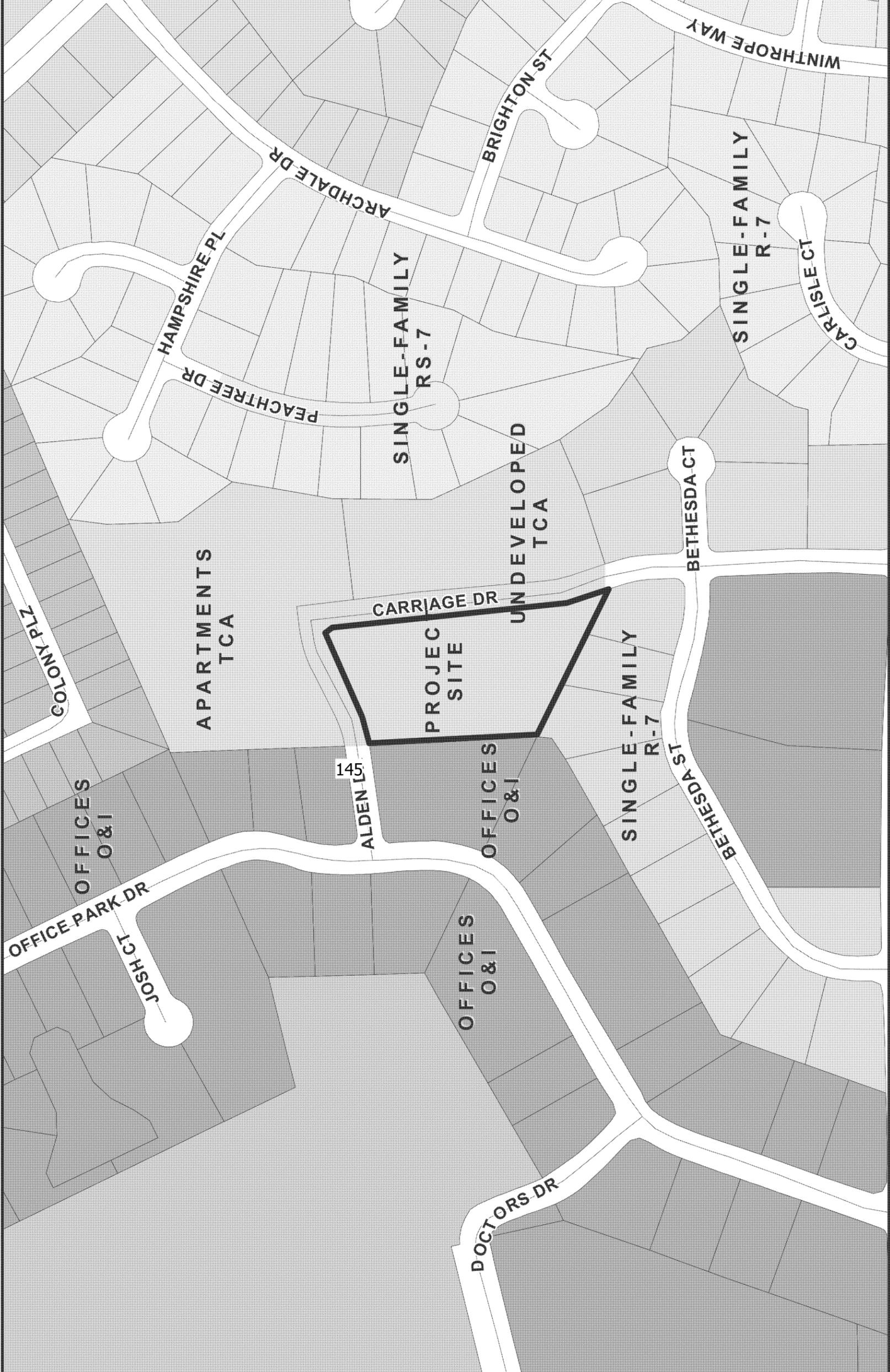
- Centerlines
- Parcels

Zoning TV Colors

Zones

IND	CU-B	B-1	CU-B-1	B-2	CU-B-2	O&I	CU-O&I	TCA	CU-TCA	CBD	OMU	NB	CU-NB	R-O	RA-20	CU-RA-20	RS-12	RS-10	R-7	RS-7	RS-6	RM-6	RS-5	RM-5	CU-RM5	RD-5	RD-3	CU-RD-3	MR
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Attachment
C



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Request for City Council Action

**Consent
Agenda
Item:
Date:** **9**
7/19/2011

Subject: Preliminary and General Plan – Lot 4 of HDX Subdivision – Henderson Drive
Department: Development Services
Presented by: Jeremy B. Smith, Senior Planner
Presentation: No

Issue Statement

Liberty Healthcare Properties of Onslow County has submitted an application for a proposed preliminary and general plan that indicates 13.89 acres being divided into 4 commercial lots near the corner of Indian Drive and Henderson Drive.

The proposed development is located in the City Limits. There are no extensions of sewer and water facilities therefore this will not impact the City's Sewer Allocation Policy.

Financial Impact

None

Action Needed

Consideration of the Preliminary and General Plan

Recommendation

Planning Board and City staff recommend approval of the Preliminary and General Plan conditioned on the items identified within the Staff Report.

Approved: City Manager City Attorney

Attachments:

- A Draft July 11, 2011 Planning Board Minutes
- B Preliminary and General Plan
- C Zoning and Land Use Map



Staff Report

**Consent
Agenda
Item: 9**

Preliminary and General Plan – Lot 4 of HDX Subdivision – Henderson Drive

Introduction

Liberty Healthcare Properties of Onslow County has submitted an application for a proposed preliminary and general plan that indicates 13.89 acres being divided into 4 commercial lots near the corner of Indian Drive and Henderson Drive. This development divides a tract of land greater than 10 acres and therefore qualifies as a major subdivision.

The proposed development is located in the City Limits. There are no extensions of sewer and water facilities therefore this will not impact the City’s Sewer Allocation Policy.

Procedural History

- On December 13, 2010 Liberty Healthcare Properties of Onslow County submitted this request for review and approval.
- On July 11, 2011 the Planning Board recommended approval of this request.
- On July 19, 2011 City Council will consider this request.

Stakeholders

- Liberty Healthcare Properties of Onslow County – Owner/Applicant
- Michael Underwood and Assoc. – Design Professional
- Adjacent property owners

Zoning Assessment

The property is located within the City Limits and is zoned Conditional Use-Business-1 (CU-B-1). It is bordered to the north and west by single-family dwellings, zoned R-7; to the south by Indian Drive and the SPEC Daycare, zoned CU-B-1; and to the east by various office uses, zoned Conditional Use Office and Institutional (CU-O&I) and across Henderson Drive by various office and retail establishments, zoned CU-B-1.

Sewer Flow Allocation Assessment

As proposed, the proposed development does not require sewer allocation, however at anytime in the future that one of the new lots develops; a sewer allocation request will be required at that time.

Open Space/Recreation Land

Commercial subdivisions do not require designation of open space/recreation land.

Options

A. Approve the Preliminary and General Plan as presented.

- Pros: The proposed plan meets all applicable City standards.
- Cons: None

B. Approve the Preliminary and General Plan with staff recommended conditions.
(Recommended)

Plan Conditions:

- 1) Tracts 1 and 2 are required to utilize the existing driveway (shared) that currently serves as an access for Liberty Commons Healthcare Facility;
- 2) The access easement be extended to the northwest to provide for adequate stem length as required by NCDOT; and
- 3) Provide 12 foot access easement along the rear of all property lines.

C. Defer Consideration of the request.

- Pros: Deferral would allow applicant to address any concerns the City Council may have.
- Cons: Delays the applicant's ability to proceed with any proposed developments on multiple lots.

D. Deny the Preliminary and General Plan request.

- Pros: None
- Cons: Plan meets all applicable City standards. Denial would be arbitrary.



Planning Board Minutes – July 11, 2011

Consent
Agenda
Item:

9

Preliminary and General Plan – Lot 4 of HDX Subdivision – Henderson Drive

Liberty Healthcare Properties of Onslow County has submitted an application for a proposed preliminary and general plan that indicates 13.89 acres being divided into 4 commercial lots near the corner of Indian Drive and Henderson Drive. This development divides a tract of land greater than 10 acres and therefore qualifies as a major subdivision.

The proposed development is located in the City Limits. There are no extensions of sewer and water facilities; therefore, this will not impact the City's Sewer Allocation Policy.

City staff recommends the Planning Board move to approve the Preliminary and General Plan conditioned the items identified within the Staff Report.

Mr. Quinn asked would tract four be an easement coming off Indian Drive. Mr. Smith replied there is a shared easement and there will be a drive proposed onto Indian Drive.

Mr. Keyes asked about tracts 1 & 2 in the front portion; will the egress and exits be accommodated? I'm also concerned about the width of the main driveway going into Liberty commons. Mr. Smith replied if tracts 1 & 2 would be developed in the future then if that driveway did not meet their required width or design they would be required to improve the driveway.

Mr. King replied the two out parcels outparcels would be prohibited to have access on Henderson Drive. Mr. Keyes replied I understand but once you get into that driveway there is no access currently to those lots.

Mr. Quinn replied his motion needs to include staff recommendations. Ms. Moore seconded.

Ms. Joos asked how compatible is this development with the daycare that is already there? Mr. Smith replied there is no new development or new stores; so it will still remain compatible with what is out there. Ms. Joos asked would it impact the traffic. Mr. Smith replied no there is no impact.

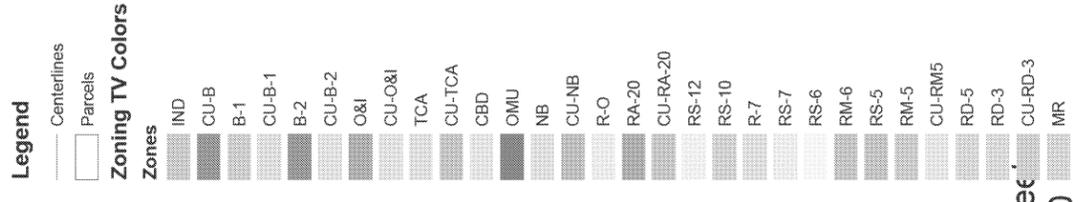
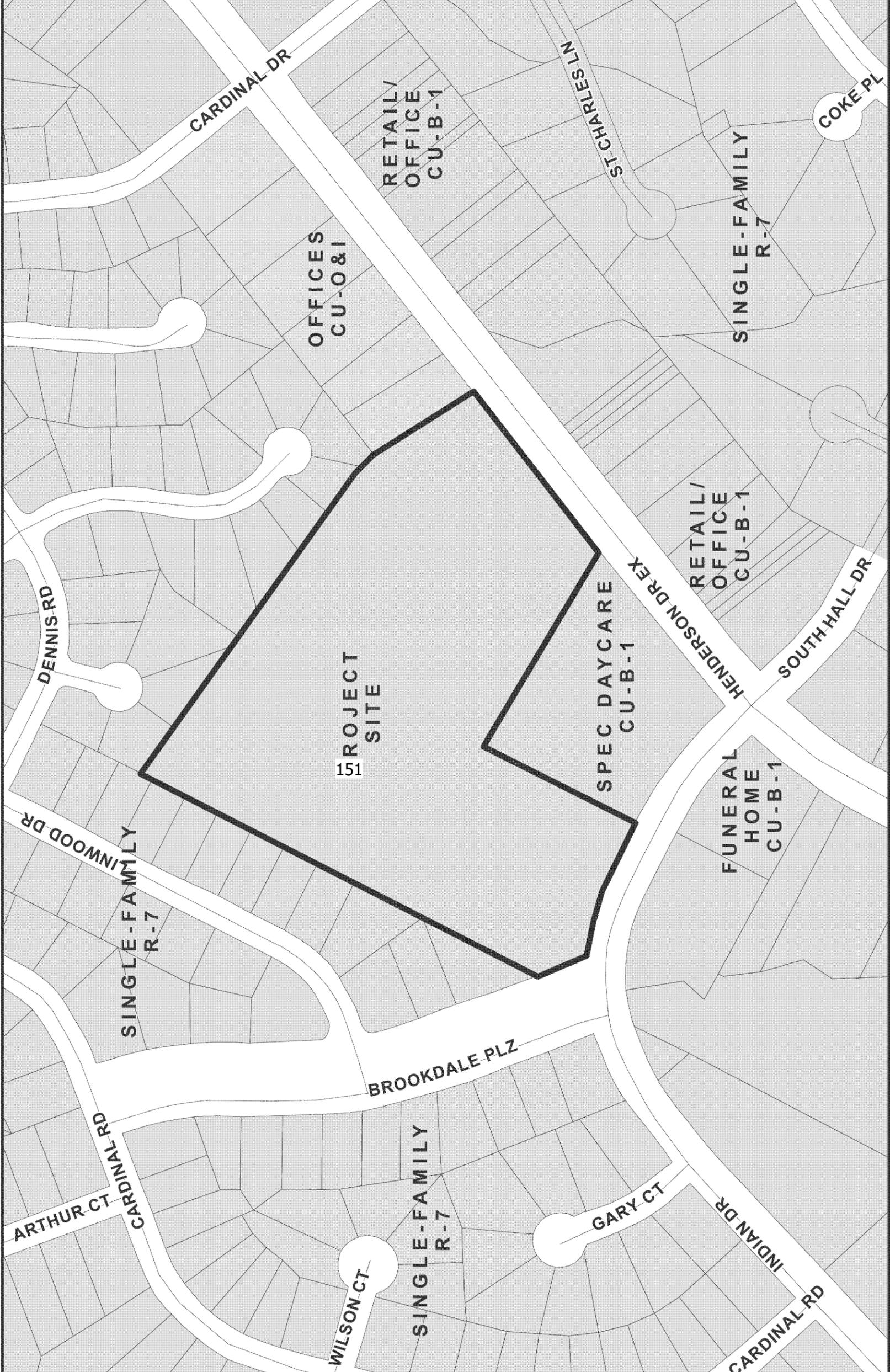
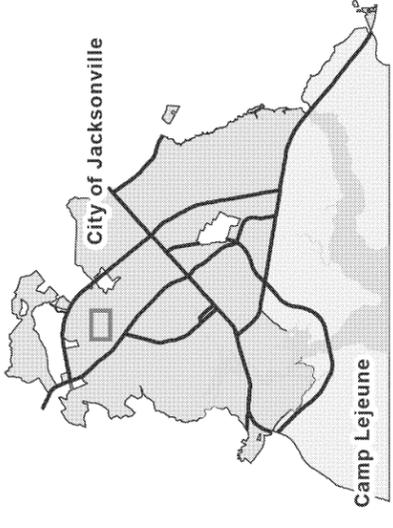
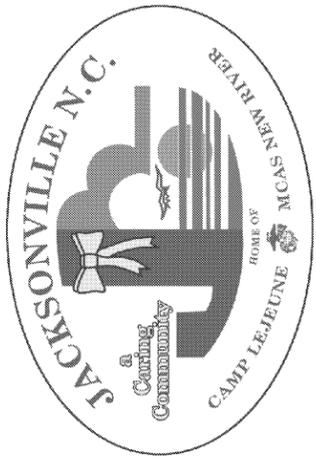
Chuck Quinn moved to approve the Preliminary and General Plan conditioned with the items identified within the Staff Report. Thomasine Moore seconded the motion.

The motion to approve the Preliminary and General Plan conditioned with the items identified within the Staff Report was unanimously approved by the Board Members present.

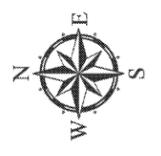
Attachment

A

Liberty Commons - HDX Subdivision



Attachment
C



Disclaimer: This Map is intended to use for planning purposes only. City of Jacksonville or its individual departments are not liable for any data inaccuracies. Once again this map should not be used for any legal boundary determinations and data displayed on this map is collected from various different sources.



Request for City Council Action

**Consent
Agenda
Item:** **10**
Date: 7/19/2011

Subject: Release of Non-Personnel Closed Session Minutes

Department: City Clerk's Office

Presented by: Carmen K. Miracle, City Clerk

Presentation: No

Issue Statement

The Non Personnel Closed Session Minutes listed in the Staff Report have been reviewed by the City Attorney, City Clerk, and City Manager and are recommended for release, in accordance with Resolution 2003-01 and N.C. General Statutes.

Financial Impact

None

Action Needed

Consider release of Closed Session Minutes

Recommendation

Staff recommends that Council move to approve releasing the listed Closed Session minutes.

Approved: City Manager City Attorney

Attachments:

None



Staff Report

**Consent
Agenda
Item: 10**

Release of Closed Session Minutes

Introduction

Copies of the listed Closed Session minutes proposed for release were provided to the City Council in a confidential envelope on July 7, 2011 for review.

Pursuant to Resolution 2003-01, if no objections are received from Council within five days of receiving the Closed Session minutes, then the release of the minutes are to be placed as an item on the next Council agenda for consideration of release.

Council did not express any objections to considering the release of the listed Closed Session minutes.

If approved by Council, these minutes will become available for public inspection following the Council Meeting.

Meeting Date	Purpose
April 17, 2007	Property Acquisition
January 22, 2008	Property Acquisition
March 18, 2008	(Partially Redacted) Attorney/Client Privilege
February 2, 2010	(Partially Redacted) Attorney/Client Privilege
September 21, 2010	(Partially Redacted) Attorney/Client Privilege



Request for City Council Action

**Consent
Agenda
Item:** **11**
Date: 7/19/2011

Subject: Acceptance of Public Improvements: Kensington Park Section II
Department: Public Services/Engineering
Presented by: Tom Anderson
Presentation: No

Issue Statement

The Engineering Division Staff has personally observed the work performed, approved the construction and filed inspection reports recommending the approval of Kensington Park Section II. The improvements include: water mains; sewer mains; sewage pumping station; fire hydrants; roads; curb and gutter; sidewalks; and that portion of the storm drainage system that drains City streets excluding the stormwater detention pond which is to be maintained by the Homeowners Association. If approved, these improvements, with the exception of sidewalks, will be covered by a warranty that will expire 18 months from this date.

Financial Impact

The financial impact has not been assessed at this time.

Action Needed

To accept public improvements of Kensington Park Section II.

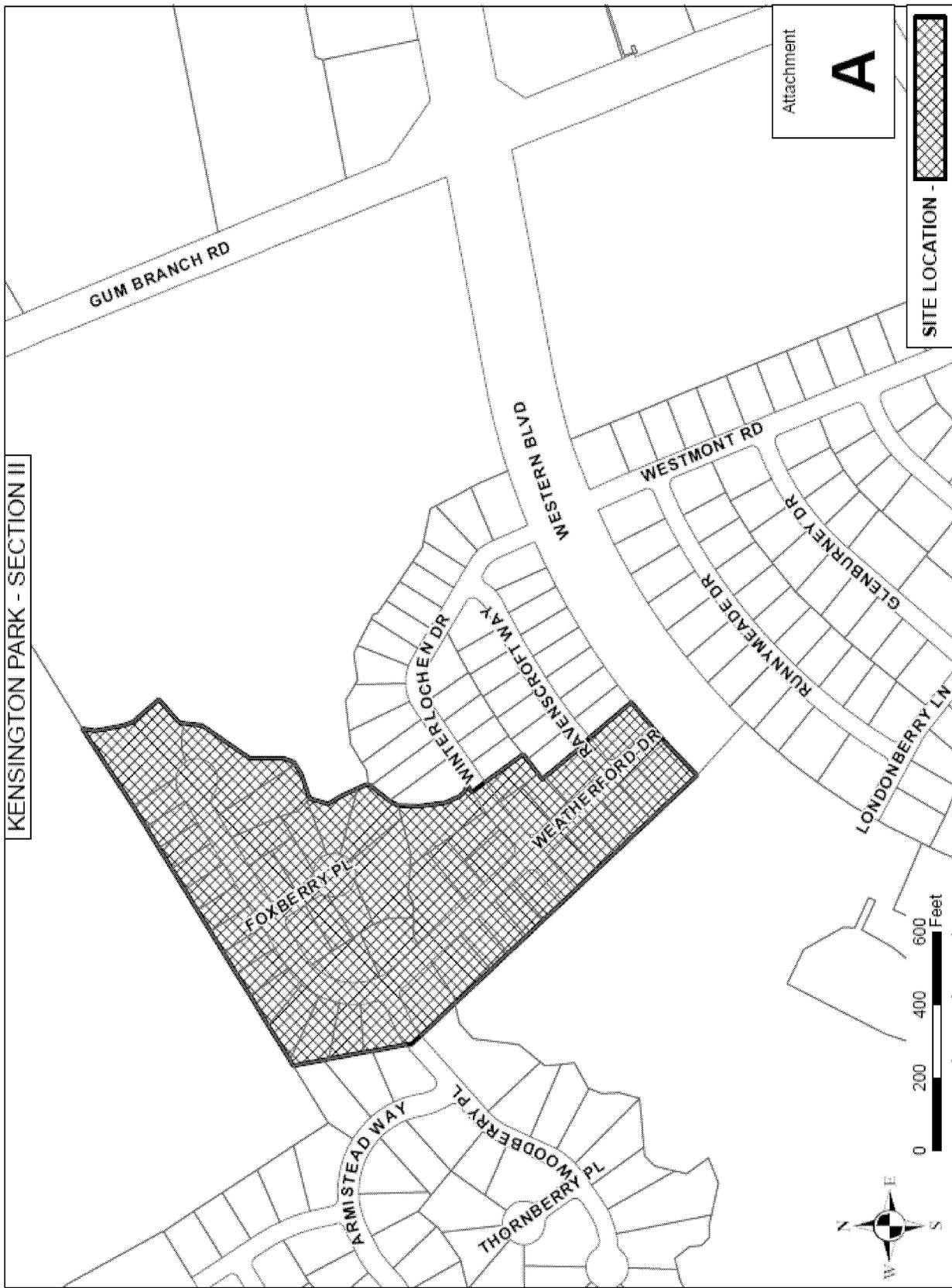
Recommendation

Staff recommends that City Council move to approve for City maintenance the public improvements in Kensington Park Section II.

Approved: City Manager City Attorney

Attachments:

A Location Maps





Request for City Council Action

**Consent
Agenda
Item:** **12**
Date: 7/19/2011

Subject: Authorization to Condemn Financial Guarantees
Department: Public Services/Engineering
Presented by: Tom Anderson
Presentation: No

Issue Statement

As directed by Council, staff is requesting authorization to process condemnation of the expiring financial guarantees held by the City if the developer is unable or unwilling to provide renewed financial guarantees. It is also recommended that the Mayor and Council allow staff, if necessary, to extend the Surety Agreements and Warranties for up to one year.

Financial Impact

None.

Action Needed

To authorize staff to process condemnation of the financial guarantee if the developer is unwilling or unable to provide proper surety and to extend the Surety Agreement.

Recommendation

Staff recommends that Council move to authorize staff to process condemnation of the financial guarantee if the developer is unwilling or unable to provide proper surety and to extend the Surety Agreement.

Approved: City Manager City Attorney

Attachments:

None



Staff Report

**Consent
Agenda
Item: 12**

Authorization to Condemn Financial Guarantees

Introduction

In order to keep sureties and agreements current, Staff needs permission from Council to extend or condemn expiring financial guarantees held by the City if the developer is unable or unwilling to provide renewed financial guarantees.

Procedural History

The City's Subdivision Ordinance stipulates how the City handles Subdivision Agreements, their warranty periods and the financial guarantees related to that project. City Council must authorize the extension of an agreement or warranty period and/or give authorization to condemn financial guarantees. The following subdivisions have financial guarantees that soon will be expiring:

<u>Project Name</u>	<u>Expiration Dates</u>	<u>Amount</u>	<u>Extension</u>
Aragona Village, Section XI-B	LOC: 9/10/2011	\$36,032.00	1 st
Eastgate	LOC: 9/14/2011	\$61,009.08	4 th
Emerson Park Section I of Williamsburg Plantation	LOC: 9/17/2011	\$333,942.17	3 rd
Fieldstone at Haws Run, Section I	LOC: 9/13/2011 AGR: 9/13/2011	\$262,915.10	3 rd 3 rd
Maynard Manor, Phase V	WAR: 9/28/2011	\$6,476.95	1 st
Maynard Manor, Phase VI	WAR: 9/28/2011	\$1,702.10	1 st
Schilsky Tract/Western Boulevard	LOC: 9/27/2011 SIDE: 9/27/2011	\$32,780.70	12 th 12 th
Southeastern Steel Choppers, Inc	LOC: 9/23/2011 AGR: 9/23/2011	\$5,370.00	1 st 1 st
The Home Depot	WAR: 9/3/2011	\$74,000.28	4 th

Definitions:

LOC:	Letter of Credit	WAR:	Warranty	AGR:	Agreement
CD:	Certificate of Deposit	SIDE:	Sidewalk Agreement	BND:	Bond

Aragona Village, Section XI-B – The surety will expire September 10, 2011.

Eastgate – The surety will expire September 14, 2011

Emerson Park Section I of Williamsburg Plantation – The surety will expire September 17, 2011. This project is still under construction. The Developer needs to make some improvements and then may request a final inspection and acceptance of the public improvements for City maintenance. Once the project has been accepted, it will begin an eighteen month warranty period.

Fieldstone at Haws Run, Section I – The surety and agreement will expire September 13, 2011. This project is still under construction. The Developer needs to make some improvements and then may request a final inspection. Once the project has been accepted, it will begin an eighteen month warranty period. This project is in the ETJ and will not be accepted for City maintenance.

Maynard Manor, Phase V – The warranty period will expire September 28, 2011.

Maynard Manor, Phase VI – The warranty period will expire September 28, 2011.

Schilsky Tract/Western Boulevard – The surety and sidewalk agreement will expire September 27, 2011. All other improvements are out of warranty and maintained by the City. The posted letter of credit is to ensure the installation of sidewalks.

Southeastern Steel Choppers, Inc. – The surety and the agreement will expire September 23, 2011.

The Home Depot – The surety will expire August 1, 2011 and the warranty period will expire September 3, 2011.

Stakeholders

- Developers: Piney Green construction Company, Eastgate Incorporated, John Koenig, Inc., Dawson Cabin Properties, LLC, New Century Homes of Jacksonville, Inc., Dr. Randy Schilsky, Valdon Incorporated, LLC, Home Depot USA, Inc.
- Residents of the City of Jacksonville

Options

Approve: Authorize staff to process condemnation of the financial guarantee if the developer is unwilling or unable to provide proper surety and to extend the Surety Agreement. **(RECOMMENDED)**

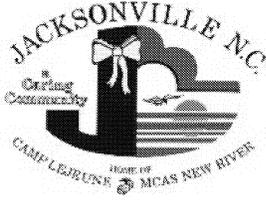
Pro: City may process condemnation of the financial guarantee in order to complete infrastructure.

Con: Developer may walk away from the agreement without any recourse leaving infrastructure that has not been installed and possibly at an expense to the City to complete the construction.

Deny: Take no action

Pro: Taking no action on this item offers no advantage to the City.

Con: Developer may walk away from the agreement without any recourse leaving infrastructure that has not been installed and possibly at an expense to the City to complete the construction.



Request for City Council Action

Consent
Agenda Item:
Date: 7/19/2011

13

Subject: Accept Land Donation from Jacksonville Police Training Academy Inc and Approve the Special Warranty Deed

Department: Legal

Presented by: John T. Carter, Jr., City Attorney

Presentation: No

Issue Statement

Jacksonville Police Training Academy Inc. has offered to donate the land comprising the Jacksonville training grounds and facility. This parcel totals about 10 acres.

The conveyance is made subject to the following condition:

“In the event the City of Jacksonville elects to sell the property described herein, all of the net proceeds of said sale shall be earmarked to be used by the City for law enforcement firearms training.”

Financial Impact

None

Action Needed

Consider the Offer of Land Donation

Recommendation

Staff recommends Council move to accept the land donation and approve the Special Warranty Deed.

Approved: City Manager City Attorney

Attachments:

A Special Warranty Deed

This certifies that there are no delinquent ad valorem taxes, or other taxes which the Onslow County Tax Collector is charged with collecting, that are a lien on:

Parcel Identification Number: _____

This is not a certification that this Onslow County Parcel Identification Number matches this deed description.

Tax Collections Staff Signature Date

SPECIAL WARRANTY DEED

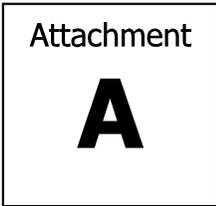
Prepared by: DOTSON & MILSTED
320 New Bridge Street
Jacksonville, NC 28540

Stamps: _____

Parcel No: 040426

Mail to:

NORTH CAROLINA
ONslow COUNTY



THIS DEED, made this _____ day of _____, 2011, by and between JACKSONVILLE POLICE TRAINING ACADEMY, INC., a North Carolina Corporation, formerly known as Jacksonville Police Training Academy, hereinafter referred to as Grantor, and the CITY OF JACKSONVILLE, a North Carolina municipal corporation hereinafter referred to as Grantee;

W I T N E S S E T H:

That the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell, and convey unto the Grantee, its successors and assigns, in fee simple, subject to the conditions hereinafter set out, all that certain lot or parcel of land situated in Onslow County, North Carolina, and more particularly described as follows:

BEGINNING at a concrete monument in the Emmett W. Orr line said point being located North 86 degrees 15 minutes West 490 feet from the common corner, E. W. Orr, Mead-Mauncy and Jarman tracts, and in the western right-of-way line of Stillwood Road, being distant 215 feet from the intersection of right-of-way lines of Stillwood Road and State Road 1107, running thence with the western right-of-way line of Stillwood Road South 3 degrees 45 minutes West 567 feet to a concrete monument, thence North 86 degrees 15 minutes West 769 feet to a concrete monument in the west boundary line of the E. W. Orr property, thence with the west boundary line North 3 degrees 45 minutes East 567 feet to a concrete monument, the northwest corner of the E. W. Orr property, thence South 86 degrees 15 minutes East 769 feet to the point and place of beginning, comprising ten (10) acres, more or less, according to a survey and map by Collier Cobb, Registered Land Surveyor.

This conveyance is made subject to the following conditions:

1. In the event the City of Jacksonville elects to sell the property described herein, all of the net proceeds of said sale shall be earmarked to be used by the City for law enforcement firearms training.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee, its successors and assigns in fee simple.

And the Grantor does covenant that it is seized of the premises in fee simple, and has the right to convey the same, that the same is free and clear of all encumbrances, and that it will warrant and defend the title herein conveyed against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors the day and year first above written.

JACKSONVILLE POLICE TRAINING
ACADEMY, INC.

_____ (SEAL)

STATE OF NORTH CAROLINA
COUNTY OF ONSLOW

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged that he is the _____ of Jacksonville Police Training Acedemy, Inc., a North Carolina corporation, and that by authority duly given and as the act of each entity, he signed the foregoing instrument in its name on its behalf as its act and deed.

WITNESS my hand and notarial seal, this the _____ day of _____, 2011.

Notary Public

My Commission Expires:



Request for City Council Action

**Consent
Agenda
Item:** **14**
Date: 7/19/2011

Subject: Cost Recovery Agreement and Amendment of North Marine Town Center (NMTC) Development Agreement with Bailey and Associates, Inc. - North Marine Town Center Water & Sewer Infrastructure

Department: Public Services Department

Presented by: Deanna Young, Engineering Operations Coordinator

Presentation: No

Issue Statement

On September 23, 2009, the City and Bailey and Associates, Inc. entered into a development agreement for improvements at North Marine Town Center (NMTC). Bailey and Associates desires to execute a Cost Recovery Agreement whereby they can recover a portion of the cost of sewer infrastructure that will benefit offsite properties. Any recovery will be a prorated share of the cost Bailey and Associates incurred to construct the infrastructure.

An Amendment to the existing NMTC Contract will establish a partnership between the City and the developer to extend a water line on Dixie Trail across US 17 and up US 17 to Piney Green Road and turning down Piney Green Road to North Marine Town Center's connection point on the south side of Piney Green Road. This partnership will allow City water to be available to existing and future residents in this area.

Financial Impact

None for the Cost Recovery Agreement since Bailey and Associates will recover a portion of their costs via a special connection charge.

The total estimated cost for the water line extension is \$89,600, and will be funded with contingency funds.

Action Needed

Consider the Cost Recovery Agreement, Amendment to the NMTC Development Agreement, and Budget Amendment.

Recommendation

Staff recommends that Council move to approve the Cost Recovery Agreement, Amendment to the NMTC Improvement Contract, and the Budget Amendment as presented.

Approved: City Manager City Attorney

Attachments:

- A Cost Recovery Agreement
- B Amendment to NMTC Improvement Contract
- C Budget Amendment



Staff Report

**Consent
Agenda
Item: 14**

Cost Recovery Agreement and Amendment with Bailey and Associates, Inc. – North Marine Town Center Water & Sewer Infrastructure

Introduction

On September 23, 2009, the City and Bailey and Associates, Inc. entered into a development agreement for improvements at North Marine Town Center (NMTC), which is located near the intersection of North Marine Highway (US 17) and Piney Green Road. Site plan approval for this development was granted on June 8, 2010. Part of this plan calls for Bailey and Associates to construct water and sewer lines, some of which will serve as the backbone for extension of water and sewer service beyond their property. As such, Bailey and Associates desires to execute a Cost Recovery Agreement whereby they can reclaim a portion of the cost of the sewer infrastructure they are to construct.

If the Cost Recovery Agreement is approved by Council, Bailey and Associates will recover a portion of the costs for only that portion of the sewer infrastructure that benefits offsite properties through a special connection charge collected by the City from those making use of the infrastructure. The City, after receiving a special connection fee, will transfer it to Bailey and Associates. Such fees are to be a prorated share of the cost Bailey and Associates incurred to construct the beneficial infrastructure. The charge will likely vary from customer to customer as the prorated share will be based upon the percentage of the infrastructure's overall capacity to be used by the customer.

City water service is not currently available in the immediate vicinity to serve the NMTC development. One viable option is to extend the City's water line on Dixie Trail across US 17 and along US 17 to Piney Green Road and then along Piney Green Road to NMTC's connection point on the south side of Piney Green Road at a cost of \$89,600. The extension of this water line would be the first step towards improving water service to the area generally bounded by Western Boulevard, US 17, Piney Green Road and Country Club Road. Additionally, this project could then lead to the creation of a connection loop thereby potentially improving the pressure and flows in this service area.

By partnering with Bailey and Associates and amending the existing development agreement, the City is able to provide water service to not only North Marine Town Center but the larger service area as well. The City will save both time and money on the engineering and design of this water line extension as well as construction costs since it will be installed as part of the overall development project.

Procedural History

- On August 18, 2009 Council authorized the Interim City Manager to proceed with negotiation of a development agreement between the City and Bailey and Associates, Inc which was signed September 23, 2009.
- On June 8, 2010 Council approved the site plan and special use permit for Village at North Marine Town Center.

Stakeholders

- Citizens of Jacksonville
- Bailey and Associates
- Owners of property within the sewershed to be potentially served by the North Marine Town Center water and sewer "trunk" infrastructure.

Options

Option 1 –Approve the Cost Recovery Agreement and the Amendment to the NMTC Improvement Contract between the City and Bailey and Associates, Inc. as well as the proposed Budget Amendment. **(Recommended)**

Pros:

- Cost Recovery is allowed under the City's Water and Sewer Extension Policy and the proposed agreement satisfies the conditions set forth by the policy. As such, Council's approval will be consistent with the Water and Sewer Extension Policy.
- Approval helps assure that the NMTC project will continue to move forward. This is noteworthy because the NMTC will be the first step in providing City water and sewer service to the area generally bounded by North Marine Highway, Piney Green Road and Wolf Swamp Road.

Cons:

- The City will need to implement and collect special connection fees for those new water and/or sewer customers whose service is provided through sewer infrastructure constructed by Bailey and Associates.
- City will spend Water/Sewer funds for the extension of the water line on Dixie Trail.

Option 2 – Disapprove the Cost Recovery Agreement and Amendment to the NMTC Agreement between the City and Bailey and Associates, Inc. as well as the proposed Budget Amendment.

Pros:

- The City will not need to implement and collect special connection fees for those new water and/or sewer customers whose service is provided through water and sewer infrastructure constructed by Bailey and Associates.
- City will not spend Water/Sewer Contingency funds for the extension of the water line on Dixie Trail.

Cons:

- Disapproval of the agreement will not be consistent with the City's Water and Sewer Extension Policy since such agreement is allowed by the policy and the proposed agreement satisfies the conditions set forth by it.
- Disapproval of the Agreement and Amendment *may* slow the timeline for the NMTC and other development in the area. This means that the first step in providing City water and sewer service to the area generally bounded by North Marine Highway, Piney Green Road and Wolf Swamp Road will be slowed if completion of the development is indeed delayed.

COST RECOVERY AGREEMENT
North Marine Town Center

This AGREEMENT between the CITY OF JACKSONVILLE, N.C., (hereinafter referred to as CITY) and Bailey and Associates, Inc., (hereinafter referred to as the OWNER) sets forth the conditions, covenants, understandings, and considerations of a contract whereby the CITY will provide sewer service and repay to the OWNER a portion of the cost associated with construction of a wastewater pumping station and approximately 8,600 feet of 8-in forcemain and 105 feet of 10-in forcemain (hereinafter referred to as IMPROVEMENTS) to be installed to provide sewer service to the North Marine Town Center Property and surrounding area in the vicinity of the intersection of Piney Green Road and US Highway 17 North (hereinafter referred to as SERVICE AREA).

A. ACKNOWLEDGEMENTS:

The CITY and the OWNER affirm and acknowledge the following facts and understandings:

1. Sewer service is presently not available to the North Marine Town Center Property or SERVICE AREA.
2. The OWNER, as well as several other property owners in the SERVICE AREA, desire to connect to CITY sewer.
3. Annexation into the Jacksonville City Limits is a prerequisite to receiving CITY sewer service.
4. At the June 22, 2010 meeting, the Jacksonville City Council approved the voluntary annexation of this Property as identified on Exhibit C as "Proposed Site."
5. To provide sewer service to the area, the OWNER will finance and construct a wastewater pumping station and forcemain (IMPROVEMENTS) both of which is to be dedicated to the CITY and made available for use by third parties within the SERVICE AREA.
6. The IMPROVEMENTS, when complete and accepted by the CITY, will be owned and operated by the CITY.
7. The estimated cost of said IMPROVEMENTS is \$618,928.00.
8. The proposed IMPROVEMENTS will have a capacity in excess of that required for the needs of the OWNER. The IMPROVEMENTS will have an average flow of 201,000 gpd and a peak design pumping capacity of 604,000 gpd. The OWNER requires approximately 160,600 gpd for their needs. Therefore, 40,400 gpd (201,000 gpd –

Attachment

A

160,600 gpd) is available as excess pumping capacity as described in EXHIBIT A. Any excess capacity, will be made available to other parties by the CITY, and will be eligible for cost recovery by the OWNER under the terms of this Agreement.

9. The CITY will make this excess capacity available to other parties in the SERVICE AREA. Other parties provided sewer service via the IMPROVEMENTS will be required to pay the CITY a one time Special Assessment Charge which will be established by a pro-rationing of cost as established herein. The Special Assessment Charge collected by the CITY will in turn be disbursed to the OWNER in the form of a reimbursement in accordance with the provisions outlined herein.
10. The amount of cost recovery to which the OWNER is entitled will be based upon construction costs only. Engineering fees, easement/right-of-way acquisition costs, tap fees expended by the OWNER are not eligible for recovery under this AGREEMENT.
11. Connections to CITY sewer by properties not annexed into or a part of the City of Jacksonville will not be permitted unless specific authorization for "Out-of-City" sewer service is received from City Council.

B. THE OWNER AGREES THAT:

1. The IMPROVEMENTS shall be constructed in accordance with plans and specifications prepared by Intracoastal Engineering, PLLC dated 5/20/2011 and under the inspection authority of and to the satisfaction of CITY.
2. Solicitation of bids for the IMPROVEMENTS shall comply with the **formal** bidding provisions of North Carolina General Statute 143-129, with the exception that the successful bidder will not be required to furnish a performance & payment bond under the terms of this Agreement. Bids shall be received and opened at the Jacksonville City Hall in the presence of CITY staff. A contract shall not be awarded prior to review and approval by CITY staff. Certification of proper advertisement and a certified bid tabulation shall be provided to the CITY.
3. The CITY shall be provided with copies of invoices by and payments to the contractor sufficient for the CITY to verify the actual construction cost allowable for recovery. All change orders resulting in an increase in construction cost must receive the approval of the CITY in order to be eligible for recovery. All legitimate change orders due to unforeseen site conditions, errors and/or omissions in the plans, etc. will receive favorable consideration. Deductive change orders, if any, will reduce the amount eligible for recovery.
4. In case of disagreement between the CITY and OWNER, the OWNER shall provide an audit of the project by a Certified Public Accountant. The audit shall reflect the total cost of the project which is subject to cost recovery. Project administration and audit costs are

not eligible for recovery by the OWNER, except where the said disagreement is found to be in favor of the OWNER.

5. The project shall be constructed in accordance with the following schedule:
 - a) Receive bids for construction by August 24, 2011.
 - b) Award contract for construction by September 6, 2011.
 - c) Start construction by October 1, 2011.
 - d) Complete construction by July 1, 2012.
6. The IMPROVEMENTS constructed under this agreement are hereby dedicated to the City upon completion and acceptance. Prior to acceptance of the facilities, the OWNER shall provide certification to the CITY that all due and just claims for damages and all just accounts for labor performed and materials furnished in connection with the construction of the IMPROVEMENTS have been paid in full and that the project free of all claims and liens.
7. The OWNER warrants proper construction of the sewer facility for eighteen months after acceptance by the CITY. The OWNER agrees to provide to the CITY a surety by OWNER or OWNER's Contractor in the amount of 10% of the actual construction costs for the duration of the warranty period in the form of cash, certified check or letter of credit. Said surety shall be held by and payable to the CITY. A separate Agreement will be executed to stipulate the terms of the warranty period to allow for all parties involved to execute said Agreement.
8. The OWNER, or its assigns, agrees to pay all applicable fees and service charges (e.g., facilities charges, new account charges, etc.) for initiation of new sewer accounts. The OWNER, or its assigns, also agrees to pay for sewer service in accordance with standard CITY billing procedures.
9. The OWNER, or its assigns, agree to comply with the CITY'S Ordinances and Policies regarding sewer use and limit discharge from this use to that expected from similar uses.
10. If the Bailey & Associates tract(s) or the Humphrey/RWK Investments tract(s) are built-out before the expiration of this Cost Recovery Agreement, all excess capacity will revert to the CITY and shall be included in the available capacity for cost recovery, pursuant to this Agreement.

C. THE CITY AGREES THAT:

1. The aforementioned IMPROVEMENTS may be constructed and connected to the CITY'S sewer system in accordance with the requirements outlined herein.
2. Cost Recovery to the OWNER shall be in the form of OWNER Reimbursements paid each time the CITY permits a connection to the IMPROVEMENTS by a third party.

3. Upon allowing any third party to receive sewer service via the IMPROVEMENTS, the CITY agrees to provide reimbursement to OWNER as determined by the following formula:

$$\text{OWNER Reimbursement} = \frac{\text{ADF x PF}}{\text{Pump Capacity}} \times \text{Total Construction Cost}$$

Where: *ADF* = Requested **Average Daily Flow** rate for the connecting third party in gallons per day to be computed in accordance with DEM Administrative Code Section 15A NCAC 2H.0200 - Waste not Discharged to Surface Waters (Copy of the appropriate table is attached as EXHIBIT B) or as determined from a minimum of 12 months of actual water consumption data in accordance with the requirements of 15A NCAC 2H.0200 Section .0219 paragraph (1)(3).

PF = Requested **Peaking Factor** for the connecting third party. *PF* shall equal to 3.0 unless substantiating evidence is submitted indicating otherwise. In no case shall *PF* be less than 3.0.

PUMP CAPACITY = Actual peak design **Pump Capacity**. In no case shall *PUMP CAPACITY* be less than 604,000 gpd.

TOTAL CONSTRUCTION COST = Actual Construction Cost, excluding engineering cost, permit fees, inspection fees, easement/right-of-way acquisition costs, tap fees expended by the OWNER in constructing the IMPROVEMENTS.

4. Irrespective of the foregoing, however, Cost Recovery (total of all OWNER Reimbursements) shall not exceed 35% of estimated construction cost (\$618,928) or \$216,624.80, except in the event excess capacity on the Bailey and Humphrey Tracts revert back to CITY, pursuant to Section B, Article 10 herein.
5. Reimbursements shall not be made to the OWNER prior to completion of construction of the IMPROVEMENTS.
6. The OWNER will be eligible for Cost Recovery up to the amount set forth in C(3) above by direct cash payment(s) from the CITY'S sewer fund current appropriations.

D. EXECUTION:

This AGREEMENT will become effective upon its execution and will expire twelve (12) years from its effective date or in one hundred-twenty (120) days after its effective date if a contract for construction of the IMPROVEMENTS as set forth herein has not been awarded.

The CITY and OWNER each binds himself and his partners, successors, executors, administrators, and assigns, in respect to all covenants of this AGREEMENT. Except as above, neither CITY nor the OWNER shall assign or transfer his interest in this AGREEMENT without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body which may be a party hereto, nor shall it be construed as giving any rights or benefits hereunder to anyone other than CITY and OWNER.

This AGREEMENT shall become effective on _____.

This AGREEMENT shall terminate on _____.

OWNER

NORTH CAROLINA:
ONSLOW COUNTY:

I, _____ a Notary Public for said County and State certify that _____ personally came before me this day, and being by me duly sworn, acknowledged the execution of the foregoing instrument. Witness my hand and official seal, this the ___ day of _____, 2011.

My Commission Expires _____.

CITY OF JACKSONVILLE, N.C.

Execution of this AGREEMENT on behalf of the CITY was approved by the

Jacksonville City Council at its meeting held on _____.

ATTEST:

City Manager

City Clerk

Exhibit A

Pump Station Capacity = 201,000 gpd
Peak Design Pump Capacity = 604,000 gpd
Engineer's Estimate for Construction = \$618,928.00

	<u>Capacity Usage</u>	<u>Applicable Construction Cost</u>
Bailey & Associates (As described in Exhibit C as the "Proposed Site")	130,600 gpd	\$402,303.20
Humphrey Tracts (As described in Exhibit D)	30,000 gpd	\$92,839.20
Future Sewer Basin (As described in Exhibit C as the "Future Sewer Basin")	40,400 gpd	\$123,785.60

15A NCAC 02T .0114 WASTEWATER DESIGN FLOW RATES

(a) This Rule shall be used to determine wastewater flow rates for all systems covered by this Subchapter unless alternate criteria are provided by a program specific rule and for flow used for the purposes of 15A NCAC 02H .0105. These are minimum design daily flow rates for normal use and occupancy situations. Higher flow rates may be required where usage and occupancy are atypical, including, those in Paragraph (e) of this Rule. Wastewater flow calculations must take hours of operation and anticipated maximum occupancies/usage into account when calculating peak flows for design.

(b) In determining the volume of sewage from dwelling units, the flow rate shall be 120 gallons per day per bedroom. The minimum volume of sewage from each dwelling unit shall be 240 gallons per day and each additional bedroom above two bedrooms shall increase the volume by 120 gallons per day. Each bedroom or any other room or addition that can reasonably be expected to function as a bedroom shall be considered a bedroom for design purposes. When the occupancy of a dwelling unit exceeds two persons per bedroom, the volume of sewage shall be determined by the maximum occupancy at a rate of 60 gallons per person per day.

(c) The following table shall be used to determine the minimum allowable design daily flow of wastewater facilities. Design flow rates for establishments not identified below shall be determined using available flow data, water-using fixtures, occupancy or operation patterns, and other measured data.

Type of Establishments	Daily Flow For Design
Barber and beauty shops	
Barber Shops	50 gal/chair
Beauty Shops	125 gal/booth or bowl
Businesses, offices and factories	
General business and office facilities	25 gal/employee/shift
Factories, excluding industrial waste	25 gal/employee/shift
Factories or businesses with showers or food preparation	35 gal/employee/shift
Warehouse	100 gal/loading bay
Warehouse – self storage (not including caretaker residence)	1 gal/unit
Churches	
Churches without kitchens, day care or camps	3 gal/seat
Churches with kitchen	5 gal/seat
Churches providing day care or camps	25 gal/person (child & employee)
Fire, rescue and emergency response facilities	
Fire or rescue stations without on site staff	25 gal/person
Fire or rescue stations with on-site staff	50 gal/person/shift
Food and drink facilities	
Banquet, dining hall	30 gal/seat
Bars, cocktail lounges	20 gal/seat
Caterers	50 gal/100 sq ft floor space
Restaurant, full Service	40 gal/seat
Restaurant, single service articles	20 gal/seat
Restaurant, drive-in	50 gal/car space
Restaurant, carry out only	50 gal/100 sq ft floor space
Institutions, dining halls	5 gal/meal
Deli	40 gal/100 sq ft floor space
Bakery	10 gal/100 sq ft floor space
Meat department, butcher shop or fish market	75 gal/100 sq ft floor space
Specialty food stand or kiosk	50 gal/100 sq ft floor space
Hotels and Motels	
Hotels, motels and bed & breakfast facilities, without in-room cooking facilities	120 gal/room
Hotels and motels, with in-room cooking facilities	175 gal/room
Resort hotels	200 gal/room
Cottages, cabins	200 gal/unit
Self service laundry facilities	500 gal/machine
Medical, dental, veterinary facilities	

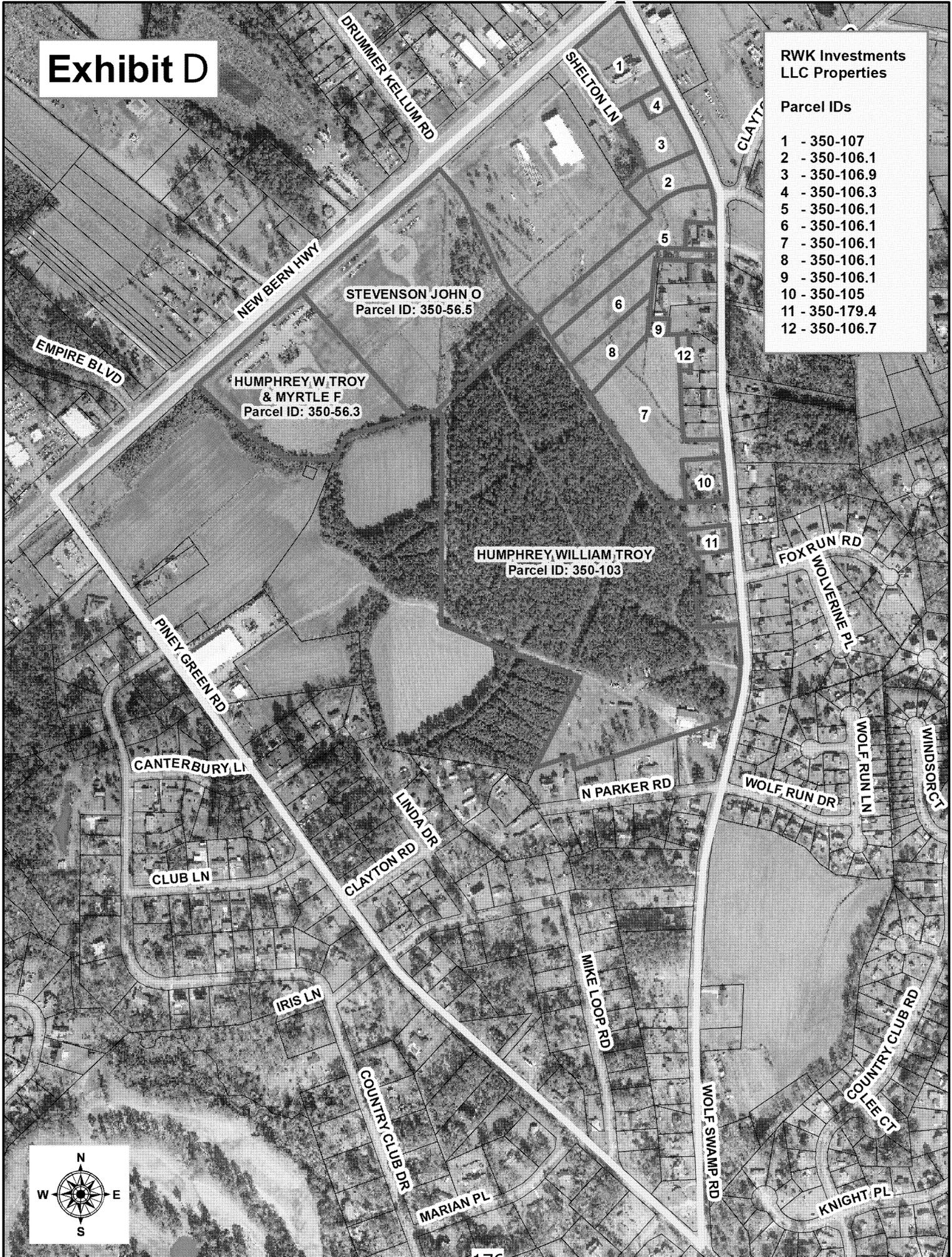
Medical or dental offices	250 gal/practitioner/shift
Veterinary offices (not including boarding)	250 gal/practitioner/shift
Veterinary hospitals, kennels, animal boarding facilities	20 gal/pen, cage, kennel or stall
Hospitals, medical	300 gal/bed
Hospitals, mental	150 gal/bed
Convalescent, nursing, rest homes without laundry facilities	60 gal/bed
Convalescent, nursing, rest homes with laundry facilities	120 gal/bed
Residential care facilities	60 gal/person
Parks, recreation, camp grounds, R-V parks and other outdoor activity facilities	
Campgrounds with comfort station, without water or sewer hookups	75 gal/campsite
Campgrounds with water and sewer hookups	100 gal/campsite
Campground dump station facility	50 gal/space
Construction, hunting or work camps with flush toilets	60 gal/person
Construction, hunting or work camps with chemical or portable toilets	40 gal/person
Parks with restroom facilities	250 gal/plumbing fixture
Summer camps without food preparation or laundry facilities	30 gal/person
Summer camps with food preparation and laundry facilities	60 gal/person
Swimming pools, bathhouses and spas	10 gal/person
Public access restrooms	325 gal/plumbing fixture
Schools, preschools and day care	
Day care and preschool facilities	25 gal/person (child & employee)
Schools with cafeteria, gym and showers	15 gal/student
Schools with cafeteria	12 gal/student
Schools without cafeteria, gym or showers	10 gal/student
Boarding schools	60 gal/person (student & employee)
Service stations, car wash facilities	
Service stations, gas stations	250 gal/plumbing fixture
Car wash facilities (if recycling water see Rule .0235)	1200 gal/bay
Sports centers	
Bowling center	50 gal/lane
Fitness, exercise, karate or dance center	50 gal/100 sq ft
Tennis, racquet ball	50 gal/court
Gymnasium	50 gal/100 sq ft
Golf course with only minimal food service	250 gal/plumbing fixture
Country clubs	60 gal/member or patron
Mini golf, putt-putt	250 gal/plumbing fixture
Go-kart, motocross	250 gal/plumbing fixture
Batting cages, driving ranges	250 gal/plumbing fixture
Marinas without bathhouse	10 gal/slip
Marinas with bathhouse	30 gal/slip
Video game arcades, pool halls	250 gal/plumbing fixture
Stadiums, auditoriums, theaters, community centers	5 gal/seat
Stores, shopping centers, malls and flea markets	
Auto, boat, recreational vehicle dealerships/showrooms with restrooms	125 gal/plumbing fixture
Convenience stores, with food preparation	60 gal/100 sq ft
Convenience stores, without food preparation	250 gal/plumbing fixture
Flea markets	30 gal/stall
Shopping centers and malls with food service	130 gal/1000 sq ft
Stores and shopping centers without food service	100 gal/1000 sq ft
Transportation terminals – air, bus, train, ferry, port and dock	5 gal/passenger

Exhibit D

RWK Investments
LLC Properties

Parcel IDs

- 1 - 350-107
- 2 - 350-106.1
- 3 - 350-106.9
- 4 - 350-106.3
- 5 - 350-106.1
- 6 - 350-106.1
- 7 - 350-106.1
- 8 - 350-106.1
- 9 - 350-106.1
- 10 - 350-105
- 11 - 350-179.4
- 12 - 350-106.7



STEVENSON JOHN O
Parcel ID: 350-56.5

HUMPHREY W TROY
& MYRTLE F
Parcel ID: 350-56.3

HUMPHREY WILLIAM TROY
Parcel ID: 350-103

EMPIRE BLVD

NEW BERN HWY

DRUMMER KELLUM RD

SHELTON LN

CLAYTON RD

PINEY GREEN RD

CANTERBURY LN

CLUB LN

LINDA DR
CLAYTON RD

IRIS LN

COUNTRY CLUB DR

MARIAN PL

WAKE LOOP RD

N PARKER RD

FOX RUN RD

WOLVERINE PL

WOLF RUN DR

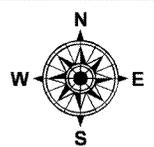
WOLF RUN LN

WINDSOR CT

WOLF SWAMP RD

COUNTRY CLUB RD
LEE CT

KNIGHT PL



**AMENDMENT TO
CONTRACT**

THIS AMENDMENT TO CONTRACT, made this the _____ day of _____, 2011, by and between the City of Jacksonville, a North Carolina Municipal Corporation, hereinafter referred to as "City", and the Bailey and Associates, Inc., hereinafter referred to as "Developer";

WITNESSETH

WHEREAS, the City and Developer entered into a Contract dated the 23rd day of September, 2009 which is herein incorporated by reference as if fully set out;

WHEREAS, the City and Developer now desire to amend the aforesaid Agreement by the amendment of certain provisions thereof as set forth herein; and

NOW, THEREFORE, for and in consideration of the agreements, stipulations, and covenants herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, City and Developer do hereby agree, stipulate and covenant, each with the other, as follows:

1. Article C, Section 5 is hereby added as follows: CITY agrees to reserve 30,000 gpd of capacity at the pump station to be constructed by DEVELOPER for the Humphrey Tracts as identified on Exhibit A for a period of twenty (20) years beginning September 23, 2009.
2. Article C, Section 6 is hereby added as follows: If the DEVELOPMENT or either one of the Humphrey tracts of land have reached their full build-out capacity prior to the twenty (20) year deadline, the remaining capacity will revert to the CITY.
3. Article C, Section 7 is hereby added as follows: The parties acknowledge that 5,625 gallons of the excess capacity at the proposed pump station to be constructed by DEVELOPER has already been allocated to the Stevenson Tract as identified on Exhibit A.
4. Article E is hereby added as follows: The CITY and DEVELOPER wish to partner on the installation of a water line to serve not only the DEVELOPER but the larger service area in the vicinity of Highway 17 and Piney Green Road as follows:
 - a. The DEVELOPER shall install approximately 1,940 linear feet of 12" water line (hereinafter referred to as "IMPROVEMENTS")

Attachment

B

beginning at Dixie Trail tying into the City of Jacksonville's system and extending the water line across and up Highway 17 and turning down Piney Green Road to North Marine Town Center's connection point at the south side of Piney Green Road.

- b. The IMPROVEMENTS shall be constructed in accordance with plans and specifications as approved by NCDENR and under the inspection authority of and to the reasonable satisfaction of the CITY.
- c. The IMPROVEMENTS constructed under this contract are hereby dedicated to the CITY upon completion and acceptance by the Jacksonville City Council subject to the terms and conditions within Cost Recovery Agreement, attached as Exhibit B.
- d. The CITY shall reimburse the DEVELOPER up to the actual cost of construction for said IMPROVEMENTS currently estimated at \$89,600, with 90% payable in monthly draws, based upon actual verifiable quantities completed each month. DEVELOPER shall with hold 10% retainage on Contractor's contract until substantial completion and approval by the Jacksonville City Council. Upon substantial completion and approval by City Council, CITY shall release the final 10%. Construction shall be completed no later than March 1, 2012.
- e. The CITY shall be provided with copies of all invoices sufficient for the CITY to verify the actual construction cost for their share allowable for reimbursement by the North Carolina State Department of Treasury. All change orders resulting in an increase in construction cost must receive prior approval of the CITY in order to be eligible for reimbursement. All legitimate change orders due to unforeseen site conditions, errors and/or omissions in the plans, etc. will receive favorable consideration. Deductive change orders, if any, will reduce the amount for eligible reimbursement.
- f. In case of disagreement between the CITY and DEVELOPER, the DEVELOPER shall provide an audit of the project by a Certified Public Accountant. The audit shall reflect the total cost of the project which is subject to reimbursement. Project administration and audit costs are not eligible reimbursement by the CITY, except where the dispute is found to be in favor of the DEVELOPER.
- g. These IMPROVEMENTS in conjunction with the stated upgrades at the Barrus Road Pump Station as well as the 12-inch force main as identified in the initial Contract were a part of a planned project for completion by the

CITY. In an effort to assist the DEVELOPER, the CITY agreed to move said project ahead on the planned schedule.

h. It is further mutually agreed that all other provisions of the Agreement executed by the parties on or about the 23rd day of September 2009 are hereby reaffirmed and shall remain in full force and effect except as herein amended.

5. Article B, Section 7 is hereby amended in its entirety to read as follows: The force main and pump station must be constructed together after receiving all necessary State and Federal Regulatory permits and authorizations and completed no later than July 1, 2012, unless additional days are required due to weather delays. All proposed time extensions must be communicated to the CITY in writing to include weather data in support of the proposed extensions.

IN WITNESS WHEREOF, the parties have hereunto set their respective hands and seals, this the _____ day of _____, 2011.

DEVELOPER:
Bailey and Associates, Inc.

CITY:
City of Jacksonville, NC

Christopher W. Bailey, President

Richard L. Woodruff, City Manager

WITNESS:

WITNESS:

NORTH CAROLINA
ONSLOW COUNTY

I, _____ a Notary Public in and for the County and State aforesaid, do hereby certify that Christopher W. Bailey personally came before me this day and acknowledged that he is President of Bailey and Associates, Inc. a North Carolina Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by as its President.

WITNESS my hand and notarial seal, this the _____ day of _____, 2011.

Notary Public

My Commission Expires:_____

NORTH CAROLINA
ONSLOW COUNTY

I, _____ a Notary Public in and for the County and State, certify that _____ personally appeared before me this day and acknowledged that he/she is the _____ of the City of Jacksonville a Municipal corporation, and that by duly given and as the act of the corporation the foregoing instrument was signed in its name by its _____, sealed with its corporate seal and attested by as its _____.

WITNESS my hand and notarial seal, this the ____ day of _____, 2011.

Notary Public

My Commission Expires: _____

CERTIFICATE OF CITY'S ATTORNEY

I, the undersigned, John T. Carter Jr., the duly authorized and acting legal representative of THE CITY OF JACKSONVILLE, NORTH CAROLINA, do hereby certify as follows:

I have examined the attached Contract for **Amendment to Contract for Improvements for North Marine Town Center** between the City of Jacksonville and **Bailey and Associates, Inc.** and the manner of execution thereof, and I am of the opinion that each of the aforesaid agreements has been duly executed by the proper parties thereto acting through their duly authorized representatives; that said representatives have full power and authority to execute said agreements on behalf of the respective parties named thereon; and that the foregoing agreements constitute valid and legal binding obligations upon the parties executing the same in accordance with terms, conditions, and provisions thereof.

Signature

Date

APPROVAL BY CITY FINANCE OFFICER

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

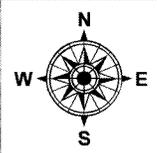
Account # _____

Signature

Dollar Amount of Contract

Date

Exhibit A



ORDINANCE (2011-)

AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina that the following amendment to the Fiscal Year 2012 Water Sewer Fund is hereby enacted:

WATER SEWER FUND

<u>EXPENDITURES</u>	<u>BUDGET</u>	<u>CHANGE</u>	<u>TOTAL</u>
ENGINEERING	1,196,393	89,600	1,285,993
W/S NON DEPARTMENTAL	15,224,040	(89,600)	15,134,440
TOTAL ADJUSTMENTS		-	
TOTAL FUND EXPENDITURES	27,870,368	-	27,870,368

The purpose of this budget amendment is to move funds to cover the cost of a contract between the City and Bailey & Associates to construct a water line from Dixie Trail, across and down Hwy 17 turning down Piney Green Road. The City Manager has stated that the City would reimburse Bailey and Associates as part of the infrastructure installed with North Marine Town Center Project. The total estimated cost for the work is \$89,600, with \$89,600 coming from Water/Sewer Non Departmental contingency.

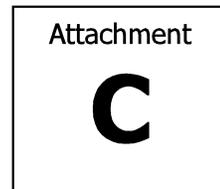
This ordinance shall be effective upon its adoption.

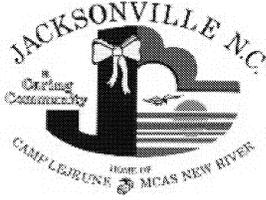
ADOPTED by the Jacksonville City Council in regular session this 19th day of July 2011.

ATTEST:

Carmen K. Miracle, City Clerk

Sammy Phillips, Mayor





Request for City Council Action

**Consent
Agenda
Item:** **15**
Date: 7/19/2011

Subject: Revisions to Water and Sewer Extension Policy

Department: Public Services

Presented by: Grant Sparks, Public Services Director

Presentation: No

Issue Statement

The Manual of Specifications, Standards and Design ("Manual") was approved by Council on June 6, 2006. The materials, standard details, and design methodology are the minimal requirements for the City of Jacksonville. It is intended to facilitate ease of use by both design engineers and contractors.

Staff is now requesting two modifications to the Water and Sewer Extension Policy ("Policy") which is a component of the Manual. These two revisions include updating how facility charges are accessed and to add language to allow facility charges that had been accessed to be transferred to a new parcel when to initial service is eliminated.

Financial Impact

Facility charges are assessed on new service connections only. Since the existing service will be terminated and then replaced with a new service, there is no financial impact.

Action Needed

To approve the revisions to the Water and Sewer Extension Policy.

Recommendation

Staff recommends Council move to approve the revisions to the Water and Sewer Extension Policy found within the Manual of Specifications, Standards and Design as presented.

Approved: City Manager City Attorney

Attachments:

- A Proposed Water and Sewer Extension Policy Revisions



Staff Report

Consent
Agenda
Item: **15**

Revisions to the Water and Sewer Extension Policy

Introduction

The Manual of Specifications, Standards and Design ("Manual") was approved by Council on June 6, 2006. The materials, standard details and design methodology are the minimal requirements for the City of Jacksonville. It is intended to facilitate ease of use by both design engineers and contractors. Prior to its adoption, the Manual was reviewed by a panel of local companies inclusive of local engineers, surveyors, developers, builders and contractors. Additionally, the input was sought from ONWASA, NCDOT and Onslow County.

Staff is requesting two modifications to the Water and Sewer Extension Policy ("Policy") which is a component of the Manual. These two amendments include updating how facility charges are accessed and to add language to allow facility charges that had been accessed to be transferred to a new parcel.

At one time, facility charges were based on the number of fixtures within a residential or commercial structure. The number of fixtures within a structure determined the size of the meter. This method of accessing fees is specified within the Water and Sewer Extension Policy. With the adoption of the FY10 budget, Council changed the method of fees by setting the fee for commercial structures based on the size of the meter and the fee for residential structures based on the structure being attached or detached. This now necessitates that the Policy to be updated to reflect this change in how assessments are made.

Staff is also requesting that additional language be added to the Policy to allow for existing customers with an established service (water and/or sewer) that chooses to demolish and abandon that service be allowed to transfer their facility charges to their new service at a different location. The abandoned site would have to be such that future service will not occur (e.g. condemnation of parcel for roadway by City or NCDOT). The facility charges accessed at the new location would be adjusted to reflect the difference in the facility charges for the meter/service being installed versus the meter/service being abandoned at the former site.

Where there is an increase in the meter size resulting in an increase in the facilities charge, the difference in meter size shall be the basis for determining the charge. Where the meter at the former site is larger than the meter at the proposed site, then no refund will be allowed. In order to qualify for this facilities charge adjustment, the site being

eliminated must have the meter/tap to the main line terminated. Application for this adjustment must be made within three (3) years of service being eliminated.

Procedural History

- December 1, 2009 – Memorandum issued regarding Storm Drainage Manhole Frames and Covers
- July 1, 2008 – Memorandum issued regarding Sewer Pump Stations
- June 6, 2006 – Council adopted Manual of Specifications, Standards, and Design

Stakeholders

- Developers and Builders
- Future City Residents
- Current City Residents
- City of Jacksonville

Options

Approve: To approve revisions to the Water and Sewer Extension Policy to reflect how facility charges are now accessed and to add language to allow facility charges that had been accessed to be transferred to a new parcel. **RECOMMENDED.**

Pros: The Policy will now reflect the City's current methodology for accessing facility charges and minimize the financial impact on the property owner.

Cons: The City will not receive compensation for the facility charges on the new parcel and staff will continue assessing facility charges based on the approved fee schedule.

Deny: To reject the revisions to the Water and Sewer Extension Policy.

Pros: The City will receive compensation for the facility charges on the new parcel as well as the old parcel and staff will continue assessing facility charges based on the approved fee schedule.

Cons: The Policy will not reflect the City's current methodology for accessing facility charges and the property owner will be accessed twice for facility charges.

VII. FEES AND CHARGES

A. Facilities Charges: A one time facilities charge shall be paid by all persons requesting new service connections to the City water or sewer system. Facilities charges shall be designed to recover a substantial portion of the incremental cost of providing trunk and treatment facilities for the persons benefiting from new connections and shall include the meter cost and installation fee.

1. Facilities Charges shall be due prior to the issuance of a building permit or in the case of an existing building, at the time of application for a service connection.

2. Residential customers will be assessed Facility Charges based on the structure being either attached or detached. The cost of the meter will be at market rate and the size will be determined by the number of fixtures installed.

~~2.3. Commercial customers will be assessed Facility Charges Both Water and Sewer Facilities Charges shall be based on the size of water meter(s) serving the premises or on the number of fixtures (to be) installed in the unit in the case of residential only type uses. The cost of the water meter will be at market rate. In the event water service is not requested concurrent with application for sewer service, the utilities department will estimate the size water service required to serve the premises and the sewer facilities charge will be based on that size.~~

~~3.4. A facilities Charge shall be made for each separate unit (as defined here in), which is to receive service from a new water and/or sewer connection.~~

~~4. The amount of the facilities charge for residential uses (only) shall be determined by totaling the number of fixtures in each unit to be served and using the RESIDENTIAL SCHEDULE BASED ON NUMBER OF FIXTURES.~~

~~5. In the event the number of fixtures actually installed in a unit or units is more than the number on which the facilities charge was based at the time of issuance of the building permit, the amount due must be paid prior to the final plumbing inspection. In the event the number of fixtures actually installed is less than the number on which the facilities charge was based, the City will refund the difference within ten working days after the final plumbing inspection.~~

Attachment

A

- ~~5. The amount of the Facilities Charge for all other uses shall be determined by application of the SCHEDULE FOR ALL USES OTHER THAN RESIDENTIAL BASED ON METER SIZE to the size meter required to serve each Unit to be served.~~
6. In the event sewer service only is requested, metering of the water service, approved by the utilities director, must be provided by the customer at customer expense. In the event water service is not requested concurrently with sewer service the utilities department will estimate the size water meter required to serve the premises and the sewer facilities charge will be based on that size.
7. Sizing of the service connection and meter so as to achieve adequate pressure at building fixtures shall be the responsibility of the customer; however, the utilities director may specify meter size and require installation of a larger meter at the customer's expense in the event a meter becomes overloaded. The size of the meter serving a property shall be determined according to the rate of water demand in gallons per minute and Maximum Recommended Safe Operating Capacity as set forth in the AWWA standards for cold water meters. In the absence of the other data, water demand may be estimated using the methodology and data set out in Appendix A of the North Carolina Plumbing Code.
8. Facilities Charge – Reduction:
 - a. The Facilities Charge shall be reduced by 50% if connection of the individual service lateral is to be made to a main completed prior to January 1, 1979.
 - b. If assessments or special charges in lieu of assessment have been levied against the property for Trunk Facilities, the Facilities Charge shall be reduced by the amount of any portion of the trunk facilities special charges or assessment intended to pay for trunk facility capacity which is in excess of the cost of a small facility to serve the frontage.
 - c. If access or acreage charge (under the former Extension Policy) credits are due to be repaid under a cost recovery agreement, then the amount of the Facilities Charge for each connection shall be reduced by the amount of the access or acreage charge which would have been applicable under the former policy to the property requesting connection.
 - d. Facilities Charges shall be reduced to an amount consistent with written contracts or easement agreements

which may have exempted property from tap fees.

9. Facilities Charge – Adjustment:

- a. In the event a customer requests that an existing meter be replaced with a larger meter, the Facilities Charge will be adjusted to the difference in the facilities charge for the larger and the existing meter provided the service line for the existing meter, if unused, is disconnected at the water main at the customer's expense.
- b. In the event a customer requests that an existing meter be replaced with a smaller meter, no rebate of the Facilities Charge will be made and the customer must pay the cost of downsizing the meter. Meters will not be downsized if the connected water demand is equal to or greater than the safe operating capacity of the meter requested.
- c. In the event a customer has an established service (water and/or sewer), and that existing structure/use is being demolished and eliminated and no further service can be provided at that site, the Facilities Charge(s) may be transferred to another location where new service is being established. The Facilities Charge for the new site will be adjusted to reflect the difference in the Facilities Charge for the meter/service being installed versus the meter/service being abandoned at the former site. Where there is an increase in the meter size resulting in an increase in the Facilities Charge, the difference in meter size shall be the basis for determining the charge. Where the meter at the former site is larger than the meter at the proposed site, then no refund will be allowed. In order to qualify for this Facilities Charge adjustment, the site being eliminated must have the meter/tap to the main line terminated. Application for this adjustment must be made within three (3) years of service being eliminated.

10. Facilities Charge – Amount:

The amount of the Facilities Charge shall be as established and modified from time to time by the City Council to reflect current costs and shall be as set forth in the Facilities Charge Schedule applicable to the proposed use.

- B. Service Connection Installation Fees – A one time service connection installation fee shall be charged for each service connection installed if constructed by the City.

1. The installation fee shall be based on size of service required and will be payable prior to installation of the service connection.
2. Installation charges shall be designed to recover the City's average cost of installing such connections.
3. Installation fees shall be in the amount established by City council and shall be set forth in the Service Line Installation Charge Schedule.

C. User Rates

Shall be charged based on capacity (meter size) requirements, volume of water used and in the case of sewage, a surcharge to cover the additional cost of treating wastes stronger than domestic sewage. User fees shall be in the amount as established and modified from time to time by City Council.

VIII. Extensions To serve New Development

- A. Extensions as needed to serve new residential/commercial/institutional development shall be initiated and financed by the developer/owner. Such extensions shall generally follow the sequence of plan approvals required by the City's zoning, subdivision or other applicable planning regulations. The General Plan, Site Plan or Utilities Plan Submitted by a developer for City approval shall include provision of water and sewer facilities that meet the requirements of the subdivision ordinance and Section V of this policy.
- B. When Subdivision of property or the filing of a Site Plan is not required, the developer/owner should consult with the Utilities Department regarding necessary extensions. In such cases, plans and specifications prepared by a registered professional engineer must be submitted to the Public Utilities Department for approval.
- C. Where a Site or Subdivision is located along an existing two lane street Right-of-way and the installation of the collector sewer mains and/or water mains would normally be installed under the assessments policy the public utilities director may waive the requirements of Section V (B) (3) provided the waiver will not conflict with other requirements of the Site Plan/Subdivision regulations and:
 1. The utilities are installed along a reasonable portion of the frontage, but normally at least 50% of the parcel's road frontage, or
 2. If existing conditions are such that extension is warranted along a lesser proportion of frontage require that an agreement with the City be executed and duly recorded under which the



Request for City Council Action

Agenda Item:	16
Date:	7/19/2011

Subject: Elect City Representatives to the Onslow Water and Sewer Authority (ONWASA)

Department: City Clerks Office

Presented by: Carmen K. Miracle, City Clerk

Presentation: No

Issue Statement

There are two positions reserved on the Onslow Water and Sewer Authority (ONWASA) Board of Directors for members of the Jacksonville City Council. The ONWASA Bylaws provide for appointments to three year staggered terms. Any member may be reappointed by their representative government for subsequent terms.

On October 21, 2008, Council adopted Ordinance 2008-45 amending the Jacksonville City Code to add DIVISION 15 - Section 2-450 to govern the City's appointment process to ONWASA.

Section 2-450 provides for Council appointments to ONWASA to be elected annually by Council at their second regular meeting in July. At such time, a current ONWASA appointee may be re-appointed or replaced by Council. Any change in appointment is effective August 1.

On January 4, 2011, Mayor Pro-Tem Michael Lazzara was elected to fill an unexpired ONWASA term due to expire July 31, 2012. On July 20, 2010, Councilman Jerry A. Bittner was elected to a three year ONWASA term expiring July 31, 2013.

Financial Impact

None

Action Needed

Elect / Re-Elect two members of the governing board to serve on the ONWASA Board of Directors.

Recommendation

Elect / Re-Elect (1) one Member to an existing three year term expiring July 31, 2012 and (1) Member to an existing three year term expiring July 31, 2013.

Approved: City Manager City Attorney

Attachments:

A City Code Section Chapter 2, Division 15

**DIVISION 15. - COUNCIL APPOINTMENTS TO THE ONSLOW WATER AND SEWER
AUTHORITY (ONWASA)**

Sec. 2-450. - Appointment of council board representatives.

Consistent with Onslow Water and Sewer Authority Bylaws and state law, the city shall appoint two (2) members of the governing body to serve as members on the board of directors of the Onslow Water and Sewer Authority for terms as specified in 162A-5 of the North Carolina Water and Sewer Authorities Act, currently staggered three-year terms expiring July 31.

The bylaws and G.S. 162-A-5 further establish that said appointees may be removed, with or without cause, by the governing body appointing said members. By this act, however, the city council establishes that said appointees may only be removed for cause except as otherwise provided herein. As used herein "cause" shall include excessive absenteeism, misfeasance, or malfeasance related to ONWASA business. A motion for removal based upon cause must be supported by a majority vote of the council and the subject representative may vote on the motion for removal.

Council appointments to the Onslow Water and Sewer Authority Board of Directors shall be elected annually by the council at the second regular council meeting in July. At this time, an appointee may be replaced at the discretion of the council. Any change in appointment shall be effective August 1.

(Ord. No. 2008-45, 10-21-08)

