

**MINUTES  
VILLAGE OF LAKE PARK  
PLANNING BOARD  
3801 LAKE PARK ROAD, LAKE PARK, NC  
JANUARY 21, 2014**

**Planning Board Members Present:** Greg Crosby, John Ross, Fred Leverenz, Bjarne Hansen and Jonathan McDaniel

**Attorney:** Ken Swain

**Consultant:** Vagn Hansen

**Zoning Administrator:** Cheri Clark

**Council Liaison:** Mark Phillips

**Call to Order:** Greg Crosby called the January 21, 2014 Planning Board meeting to order.

**Pledge of Allegiance:** Greg Crosby led the Pledge of Allegiance.

**Approval of Minutes:** Bjarne Hansen made the motion to approve the November 19, 2013 minutes as presented. Fred Leverenz seconded the motion. Vote – Unanimous.

**Changes to the Agenda:** John Ross made a motion to add 4a. Public Comment. Greg Crosby seconded the motion. Vote – Unanimous.

**Public Comment:** David Cleveland shared that in December; Mayor Kendall Spence organized Council responsibilities and asked Mark Phillips to serve as Council Liaison for the Planning Board. David Cleveland thanked everyone for their willingness to work and develop a UDO for the Village and for serving on the first Planning Board.

**Council Liaison:** Mark Phillips shared that Council approved the text amendment changes for the UDO in Articles 2 and 3. Attorney Ken Swain shared that it was brought to his attention after the Council meeting that Council is going to need to address the UDO changes at the next Council meeting. Attorney Ken Swain then read into the minutes from GS160A-383 Purposes in view.

Zoning regulations shall be made in accordance with a comprehensive plan. When adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explaining why the board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is

applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Zoning regulations shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city. (1923, c. 250, s. 3; C.S., s. 2776(t); 1971, c. 698, s. 1; 2005-426, s. 7(a); 2006-259, s. 28.)

Attorney Ken Swain stated that in the future Planning Board will need to provide in writing the reason for the proposed changes to the UDO and the consistency with the original zoning plans for the Village. The main reason for this is proposed changes to the UDO can come from many places including staff, residents and developers.

**Zoning Applications:** Cheri Clark shared that since the Village has taken over zoning from Union County; the Village has had 11 Zoning Applications submitted and 10 approved. Ten of the Zoning Applications have been for fences, decks, room additions, temporary signage and business signage additions and changes at Town Center. Cheri Clark has been working with Vagn Hansen on the proposed ten Oakmont townhomes. After discussing the proposed development with Lee Jensen, Union County Land Use Administrator, the following information on the property was discovered.

The Special Use Permit that was approved in September 2005 allowed the developer to convert the original plan, which provided for condominiums, to townhomes. This approval was in concept only. The only condition was that the developer could not exceed the original approved density of 72 units. When Lake Park was originally approved multi-family residential was allowed in the B-2 district. When the table of uses was rewritten in 2001 multi-family was not allowed in B-2, thus the existing townhomes and the condos became non-conforming. In our ordinance “multi-family” includes both condominiums and townhomes. We could have probably allowed the site plan modification to go directly to the Planning Board since multi-family included both housing types, however; staff felt that an extra layer of review may be more appropriate so we processed the request through the BOA per Section 148 of the UCLUO. This Section basically allows us to send a request that otherwise we could approve to the BOA if we feel that an extra layer of review is necessary.

In this case the BOA did not approve a site specific plan because under the PUD provisions in the Union County LUO the Planning Board has that authority. So in essence the BOA allowed the concept of converting from condos to townhomes at the same approved density, whereas, the

Planning Board actually approved the site specific plan as a PUD amendment and a Major Development Permit in 2009.

The units built by Ryan Homes do not have garages. The reason they do not is due in part to the sewer easement and the fact that the Union County Land Use Ordinance does not require townhomes to have garages. The Village of Lake Park UDO also does not require garages. As it stands at this point, the Village considers the property to have a vested right to be developed in accordance with the development plan that was previously approved by Union County. Deviation from the previously approved plan would constitute a change in the status of the right, making an alternative development proposal for the property subject to the current standards of the Lake Park UDO. As noted previously, the most substantive change in the standards is the addition of minimum driveway separation standards, which would require an alteration to the conceptual plan that was submitted to comply with the current ordinance. Oakmont will be allowed to develop townhomes on the referenced lots as they are a permitted use within the district in which they are located. While the Village would prefer that development of the lots will follow the previously approved plan, it is your choice as the property owner whether to follow the previously approved plan or to submit an alternate proposal for the site that is in compliance with the current ordinance.

Vagn Hansen expressed concerns about the Zoning administration changes from Union County to the Village and after multiple conversations suggested that the Village offer a compromise in order to potentially address the screening and aesthetic concerns. Therefore we offered the following compromise on the project. A two car garage would be built on lots 93 and 102 with landscaping on the sides of the garages, sidewalks along Creft Circle and Balsam Street will be completed as approved in 2009, an Acorn light will be installed in the Balsam/Margaret Court area and a Colonial light will be installed in the area of Margaret Court and unit 102 and the Margaret Court alley would be completed. If the Village had forced the garage issue and Oakmont decided to submit a new site plan under the Village UDO, we would not have had a mechanism to provide the desired screening and would have ended up looking at a row of parking pads that would not have been wide enough for two cars.

**Setting Agenda for Next Month's Meeting:** Delete - Council Approved Text Changes to the UDO and Zoning Applications. Add – Public Comment.

**Adjourn:** John Ross made the motion to adjourn. Bjarne Hansen seconded the motion. Vote – Unanimous.

Respectfully Submitted,

Cheri Clark  
Clerk