



**Minutes
Town of Atlantic Beach
Planning Board Meeting
June 8, 2016**

Members Present

Neil Chamblee
Rich Johnson
Ray Langley, Chairman
Llewellyn Ramsey
Curt Winbourne

Members Absent

Steve Joyner, Excused
Norm Livengood

Others Present

Derek Taylor, Town Attorney
John King, Applicant's Attorney

Staff Present

Michelle Shreve, Planner
Arrington Moore
Donna Turner
John Harrell
Kim Tynes, Secretary
David Walker, Town Manager

CALL TO ORDER

The meeting was called to order at 7:00pm by Chairman Ray Langley and Rich Johnson made a motion to excuse Steve Joyner and Norm Livengood. A second was made by Curt Winbourne, with a unanimous vote to excuse both.

APPROVAL OF MINUTES

Chairman Langley called for a motion to approve the minutes from the April 5, 2016 meeting. Llewellyn Ramsey made that motion and Rich Johnson seconded it with a unanimous vote for the change.

NEW BUSINESS

Shreve: This evening the Planning Board is requested to hold a public hearing and to consider recommendation to Town Council to rezone property at 608 West Fort Macon Road. The Board has previously heard this issue on April 5th as a "scrivener's error". Due to confusion on the issue, the Board requested that additional information be provided on the zoning of the property.

Through research into Town Council minutes, Planning Board minutes, and emails, staff has determined that the evidence provided does not justify a scrivener's error, as we do not have the discrete GIS data used to make the maps when the entire town was rezoned in 2009. We have, however, proven that the intent and understanding have always been that the property was R-1(C) Conservation, and that proper

notification was given to and received by the property owner. This information has been provided to the Board and the property owner's legal representation prior to this meeting.

These three properties encompass acres of wetlands, which are crucial to life on the island as, in addition to a myriad of other benefits, they provide nursery and feeding areas for many birds, fish, and shellfish, lessen wave action in storms, and increase water quality by filtration. This area and other crucial habitats on the sound were identified as conservation/open space in our Land Use Plan and host the Least Suitable Land Overlay for development. The rezoning in 2009 was based on the Land Use Plan, which is why it was the intent to zone these properties as R-1(C).

The UDO and Zoning Map were unanimously adopted on August 24th, 2009 following approval of the Planning Board and proper notification processes.

Staff requests that the Planning Board holds a public hearing regarding the rezoning of 608 West Fort Macon Road and subsequently consider recommending that Town Council rezone this property from no zone indicated to R-1(C).

Chairman: At this time we will move into the Public Hearing section if anyone in the audience would like to speak.

King: John King, 310 Craven Street, New Bern, NC and I am the attorney representing the owners of 604, 608 and 612 West Fort Macon Road and I will describe in a minute why I think those other parcels come into play in addition to just 608 that has been brought before you this evening. Mr. Taylor sends his regrets that he could not be here, he is ill and spent the day at the doctor's office and was by my office late this after and said he just cannot make it. I know he would otherwise like to be here as I am sure you all know. I want to go back a little bit in the history of the zoning, the best we can determine and your Planning Director has been very gracious in providing the information and all that pertains to Mr. Taylor and I appreciate that from her and also other members of the Town have been gracious in providing information.

If you look back, there were a number of public hearings on the UDO back in late 2008/2009 and to the Minutes of each those Town meetings there was a map that was attached. I have an enlargement of some of those maps if I may use to kind of describe what we have and what has gone on.

This is one of the maps that was presented I believe in April of 2009 and as you can see over here, all of this was consistent with the zoning and at the time it was RS and the rest of the Town I think most of it is consistent with what you have now but all of this was at one time proposed to be something different than it is now or what it may be now.

When there became an issue regarding conservation, this map was done and this was actually attached as late as July 9th and you can see all of this is green over this area and you can see there is this gap here that is the same as the gap here which is the gap that is in question. That gap came about apparently when this map was made, excuse me was in all the maps, but this became the green area and the dark green was down here as conservation area.

Chairman: You say that map was in July of what year?

King: 2009. The UDO was adopted August 24, 2009 so this was the last meeting before the August 24th meeting. Also attached to I believe the July meeting was this map which shows the green area with the red dots and the legend Conservation Open Space and says least suitable land is represented by the red dots. You can see there is no gap here but this is shading of the entire amount and with a broad area

going over to here. Then we have the recorded Zoning map that was adopted in August. If you look the green area is the R1(C) which is the residential conservation which requires a special use permit to build in. But also a big change was this piece right here. If you look on the previous maps that talked about new zoning you can see that cut off there. I point that out because that property is owned by the Town. There is no difference between its marsh and our marsh but you can see as a last minute that line was cut off there so the Town's would not be zoned Conservation whereas on all the previous maps it had it included in that Conservation area.

When questioning where the boundary lines were you know, exactly what was rezoned and what was not rezoned there were some emails back and forth with Ms. Shreve today with Mr. Taylor and if I may hand up that email to you to pass out I'll go ahead and hand this printout of a map that was attached too.

This was an email which Ms. Shreve kindly responded to Mr. Taylor about and I'm trying to throw her or anybody else under the bus, I want you to understand that she has been very nice and cooperative with us but I think this kind of shows what confusion there is. Mr. Taylor asked about her, how can we document exactly where it is underlined or basically.

As you look at the response she says, I have had the same problem because I don't have the GIS data files that were used to create the zoning maps, I don't have discreet evidence of the zoning of each parcel in Atlantic Beach. The zoning map was however adopted by Council and at that time Council repealed all other zoning maps. Whether or not it was explicitly stated Council zoned it as R1(C) when they adopted the map. I have attached the future land use map from a land use plan which shows that area of Town as conservation open space. The zoning map is consistent with a land use plan in that area is under conservation zoning district. But actually if you look at the actual zoning map you can see here and here that it is a different color but it's the same legend on the maps. This area is shown but on the conservation maps it's not cut off on there. So actually the future land use map is actually different than the zoning map. So if you see the map I handed out that shows you pretty much the map this is up here and it's a land use plan and Ms. Shreve is saying that the land use map is consistent with the zoning map which obviously you can see there is inconsistency because there is a big chunk which the Town owns that was not rezoned as conservation area even though on the initial plats it was shown that way.

The other factor is she says the GIS data is not available to determine exactly where the lines were. Well my clients own 604, 608 and 612. There is no discreet data as to which and what portion of those three lots may or may not have been zoned and because there is no fine line, a legal description of something that can define that, I would submit to this board that creates ambiguity as to where the zoning lines are and based on that I would recommend that this board recommend to the Council that all three parcels need to be rezoned because there is that ambiguity there and that the three parcels, 604, 608 and 612 West Fort Macon Road be included in any rezoning because of the ambiguity.

I will point out one other thing which I pointed out last time I was here and don't know if you it or not and that was the email from the Mayor on July 22. Do you have that from last time or do you need to see it? (*Someone asked to see it, could not make out the voice.*) This was emailed to Mr. Taylor after the July 9th meeting and Mayor said we met last week and only looked at land in the eastern part of town, Island Quay and 8 ½ Marina. It looks like we are going to leave everything on the west of town, your property and the Town's property, etc. zoned RS, which is the closest thing to its current zoning. The one exception to this is a coastal preserve next to Atlantic Station that will be zoned Conservation.

The piece, if you look on the map, there is area right here actually owned by a Conservation group and that was not zoned conservation, interestingly enough. But the mayor says in that email that the Town's property and this property is going to be left alone except for the property next to Atlantic Station, that was the email and so obviously there is a great deal of confusion by my client, perhaps by the mayor, but

there is no GIS data to say exactly where the lines are for that v-shaped data in the zoning. It certainly appears to be some of my clients property I don't know if more than one lot or less than one lot or exactly one lot but I would submit to you as an abundance of caution to the Town to make sure that things are clear and all three properties should be included with any recommended rezoning because of the uncertainty that exists. I will be happy to answer any questions if I have that answer.

Chairman: This is not a question but a comment, in the Mayors email that you read, he also signed off saying I'll let you know if any of this changes which means this was not written in gold that is could possibly change whether it was at that time or in the future.

King: Yes and I don't know if there was, we have no further correspondence of any further changes that the Mayor let him know.

Chairman: That is what I understand

King: There was no other meeting between this email and the August 24th meeting in which the UDO was adopted. What I'm saying is there was a great uncertainty as to where the zoning line is, there is no question that something is left out. There is no question that something is left out, that is not zoned anything right now. No zoning whatsoever and we don't know exactly where that is and so our recommendation or request of this Board of that you represent to the Town Council that they institute zoning proceedings against all three of my client's parcels and not just one parcel for the sake of clarity.

Ramsey: How about the conservation area? That's also not zoned?

King: The conservation area apparently is zoned, I could not tell you what the physical description is but I think that area is large enough that it all green.

Ramsey: Right but you pointed out one spot in it.

King: Right, the spot that is right, this white area right here, that's the gap that has no zoning whatsoever

Ramsey: But you pointed out another spot over there on the conservation area.

King: Oh the area over here, that's the Town's property, that was on all the other maps as being consistent with that area until the very last rendering of it. And then the Town I guess said well we don't want to be bound by conservation and so it took it out and here again this was only attached to the very last zoning in August 24 prior to that it had been included in conservation.

Ramsey: Got it.

Chairman: You made the comment Mr. King that you would like to see all of Needle Rush zoning changed.

King: Well it's not all of Needle Rush, if you look on the front portion or right in here, this is Needle Rush Bay subdivision and that whole thing needs changing and the area behind that certainly is up to the Board and the Town, that's owned by a conservation group and is just surprising that this was an area that was not zoned conservation and then the area in this v, we don't have a legal description, the Town does not have the GIS data to support exactly how wide that v is or anything else.

Ramsey: That triangle is what I was talking about.

King: The triangle is owned by a conservation group.

Ramsey: Is that part of Faryarns property that gave it to us?

King: I'm not sure. I just know it is presently owned by a conservation group.

Shreve: May I comment?

King: Yes

Shreve: That is not owned by a coastal federation, that's common space for the Needle Rush Bay subdivision. The conservation district that the coastal federation owns is in between that and Atlantic Station.

King: Then I'm sorry my mistake.

Ramsey: Shouldn't that be zoned for a subdivision?

Shreve: The triangle that's on top of Needle Rush Bay that is on top of Needle Rush Bay that is currently R1-7, that is part of that subdivision, that is part of that subdivision that is completely separate from what we are talking about now. I think there is confusion about what the GIS data is. The data that have the parcel lines, that's given to us by the county, they keep all of that data and update it every two weeks. The line drawing is not the issue, the issue is with GIS there is a shape file and when you have all of the separate parcels and you color them all a certain color, then that is its own specific file type. I don't have that file because we don't have the capability to use that software here in Atlantic Beach. I assume that if I contact Holland Consulting planners, they would have that information or at least be able to get it but it doesn't have anything to do with where the parcels lines are. It just has to do with whoever created the map and colored it in green, whether or not they clicked it.

Ramsey: Am I right that Mr. King is asking that we rezone all three of those lots right beside Palm Suites the same?

King: To make sure ...*(spoke over Ramsey, couldn't decipher either accurately)*

Ramsey: What would the Planning department have to say about that?

Shreve: We would have to go thru another, a whole beginning of a new procedure because we have not done the procedural requirements for all three of those parcels; we have only done the one for the center. So we would have to restart again.

Ramsey: Even if the owner is requesting it?

Shreve: Right because we have to notify the neighbors and all those notification requirements that are so important.

Chamblee: What is the effect of it? Of one or the other? The one lot we are concerned with what is the effect of just doing that as opposed to doing the other three because you are saying that actually the GIS data for the three lots is available, we just don't have access to it. Is that correct? Did I hear that right?

Shreve: I would assume that it is still archived with Holland Consulting planners; again I didn't ask them, I'm not really interested. Nobody noticed that it was not colored in green until I saw it. Everybody has

always just thought it just was colored in green, that's why they have developed on it and that is irrelevant but that's what everybody thought was the case and it wasn't until I got here and said something that anybody noticed differently.

Ramsey: You do too good work.

Shreve: Twitchy and neurotic I guess. Detail oriented and noticed a piece missing.

Chamblee: You just said that everybody, including the owners, assumed the whole parcel was all R1(c).

Shreve: Based on all of the emails and everything I've gone thru, nobody has ever noticed that it wasn't.

Chamblee: Okay, so if it was assumed from the beginning that it was and we are simply trying to clarify what the intent was now, I don't understand the issue.

King: If I may speak, I can't say that we assume because we have the email from the mayor stating your land is not involved so I can't say we assumed after that that we knew it was rezoned after that. There were some emails that talk about the zoning and that type but I can't say we knew on August 24th when the UDO was passed that we knew our land was going to be involved at that point in time.

I think the second factor is, what's the issue, we don't know where that v is. We want to know how wide that v is, it may go to other properties or it may not. We don't have the discreet data as she pointed out in her email as to where those lines are. They may be available somewhere but we don't have that and our point is if you rezone this, how are you going to describe 608 by itself and any zoning. Are you going to use a meets and bounds description? Where does that come from? Does it match up with the other lines? Where is that and our point being that there is so much uncertainty about where those lines are that this board should recommend that all three parcels be rezoned because of the uncertainty. I mean if you are going thru a zoning hearing for one piece, why not go thru zoning for 3 pieces. That way it covers the entire area without any gaps.

Chairman: However the intent of this meeting was just for 608.

King: I understand that's what was on your meeting agenda.

Chairman: That is the only thing we are concerned with for this meeting...

King: I understand

Chairman: ...608 and to back up the town, we don't have GIS data, we deal with it in my occupation and it is extremely expensive, you would be talking about 100's of thousands of dollars to GIS this entire town and the Town just doesn't have that kind of that funding. It could be filed somewhere else but I just want to clear that up on the Town's behalf, it is such an expense you can't afford to do it. I don't know of any town we have worked in that has a full GIS data system.

King: I fully understand that which is all the more reason to make the recommendation that all three parcels be included simply because we don't have the data of exactly where the lines are that were left out.

Chamblee: Do we have those?

Shreve: Yes, from the County. The county tells us where those parcels are, they have the coordinates that's what they draw the tax maps on, that's how we get information every single day by what we do. We go by the county GIS system.

Chamblee: So what's the issue?

Shreve: This issue is that I don't have the file where they colored it in because that was done by an outside firm.

Johnson: Back in 2009?

Ramsey: Is there a problem with us making a recommendation to the Town that this particular lot be zoned as requested and that we would like them to direct us to look at the other properties and make if all cohesive?

Chairman: When you say requested to clarify, are you saying request from our planning staff?

Ramsey: I'm saying requested from the owner and his attorney.

Shreve: They are more than welcome to request a rezoning of properties.

Ramsey: But we could go ahead and do this one now with a request that we are going to immediately look at the others if the Town advises us.

King: Even if the owner comes forward and says I want the other properties zoned, I think the Council will say we have already rezoned it. That is the position they are taking now and our position is we don't know where that line is and how much of that v is over across the line because we just don't have, I mean somebody went in and colored the map and we don't have access to where exactly the coloration was on the meets and bounds on the exact thing.

Chamblee: I guess the assumption there would be that the map coloration is precise in all this Town of Atlantic Beach to every county deed and deed lines rather than depicting as close as the County generality. Is that the assumption?

King: I think the assumption is the map is as far as we know is a generality right now. Certainly the deeds are on record and have the descriptions of the properties in them. But we don't have access to the person that did the coloring as to exactly where the lines were that were colored. I'm saying that creates a question, if you rezone and you say well it's all in this deed and somebody goes in and just colors green in that v shaped area, how do we challenge that? Because we say because we don't have the GIS data either, you don't have it and we don't either, so the assumption is that the deed coloration is to the adjoining lines and certainly if you rezone all three pieces then that makes all of that would be green at that point.

Chamblee: So 604 and 612 are already considered R1(c) and are green and we simply do 608 and make it green and you say that creates ambiguity to your customer as to where his property begins/ends? I don't know understand.

King: It's not where the property begins or ends; it's where the green coloration ends and begins because if you rezone 608, what are you going to advertise in the paper and you are going to probably specifically describe that property by legal description. That's perfect but you show me a legal description that was

used when the map was drawn and my point is there may be a gap in that area because we don't have any legal description for any of that zoning.

Johnson: So Michelle, the white space gap in that map you believe is just 608.

Shreve: Correct

Johnson: Mr. King is saying well maybe it's a little bit of 604 and 612 too. Is that what we are talking about?

King: Yes

Johnson: That's an interesting theory but I go back to what Neil talked about – Michelle as you researched and put together all this material and talked to people that had been involved in the UDO, Ray, you were involved in it back then, back to Neil's point about intent. Obviously something went haywire when we made a map but rather than arguing about whether the line is a little bit on 604 and 612 what did you discover when you went thru all this material? Is there any confusion or ambiguity or did anyone raise their hand and say yeah I think we did something other than what you believe it was intended to be green?

Shreve: No. It only became an issue for this specific property once I brought it up and if there is ambiguity in the parcel data, there is ambiguity in the county's tax records because that is where the parcel data came from. The parcel lines are separate from the shape file which had the color on it.

Chamblee: So if you had not brought this up, we wouldn't be here and you would be proceeding with permits or whatever you need to do as you intentionally planned.

King: Actually,

Chamblee: Going thru the process with the Board of Adjustment but nothing would have changed...

King: Not necessarily, I'm not saying that we are as sharp as she was in catching this but I don't know that it would not have been caught because as you well know, there are permitting issues that are involved and a lot more in depth research has gone into this than previously because at one time the zoning did not affect us. Now it affects us and when something affects you, you look into it more deeply. That is what we are doing now which is why the Town initially came to you and said this is a scrivener's error and they came back tonight and said it's not a scrivener's error.

Johnson: Help me understand why the zoning before didn't affect you.

King: Because we had permits that predated the August 24 UDO passage.

Ramsey: Now they are in a situation that they have to go before the board of adjustment to find out if there permits are good or not.

Johnson: Just on 608 we are talking about?

King: All three. Which is why I'd like this board to recommend that all three be included because of ambiguity, all three be included in rezoning.

Chamblee: None of this has any effect on the validity or timing of any past or present permits or processes?

King: Actually it would have an effect simply because of the fact that if it is unzoned, I mean, we could certainly go in there and build anything we wanted to perhaps at this point.

Chamblee: If you had caught it?

King: If we caught it, yes. Or even now that she caught it. I mean right now it is unzoned. I don't know what you can build in an unzoned area but ah...*(chuckles)*

Chairman: 604 and 612 are R1(C), is that correct?

Shreve: Yes sir

Chairman: So this is caught right in the middle of two

Shreve: Yes sir

Chairman: I don't see the big deal with it being rezoned to R1(C) myself but –

Johnson: You didn't find anything in the record or you didn't talk to anybody that remembered what happened back in those days that said, oh yeah we intentionally carved out the middle lot to Ray's point, if this lot and this lot are R1(C) and this one is blank on the map, I mean that just doesn't make any sense unless you ran into somebody that said yes we specifically wanted that to be different for some reason.

Shreve: Correct, they have always been just kind of lumped together as three properties

Johnson: Ray do you remember anything special from UDO days?

Ray: No that was so convoluted and I can't remember anything specific details.

King: As to her point, these have always been lumped together as three properties. Which raises my argument as far as where does the property line begin and end for purposes of zoning. We don't know where, you can't give me coordinates as to where that property is.

Chamblee: What would you, when you build on those three lots, you are going to build on those three lots per the property lines, that's it. The property lines start and stop, that's where you are going to build.

King: Yes.

Chamblee: Period

King: But if this board is not convinced that we have discreet data, exactly where this white gap is then I think recommendation that you rezone all three covers that position. I mean right now, we are not even sure exactly where it is, we could claim, what if half of our lot is zoned and half of it is not zoned, can we continue building? Or can we not build a new building?

Chamblee: I understand what you are saying but you are basing, you are saying that the color on a general map could take precedent over the counties designated lot lines and create an error.

King: No, I'm saying the color on a general map is not specific enough to let you know that it matches the county.

Johnson: That assumes that we would have zoned half of 612 one zone and half on it some other zone.

King: Or can be either one, right now there is no zoning so obviously that happened.

Johnson: Right so Michelle do we have any property in town where part of the parcel is one zone and part is another?

Shreve: *Nods yes, Jungleland.*

Johnson: That little back tail?

Shreve: Um-hmm

Chamblee: My last question is if we rezone one as we intend to go along with the original intent so that all three of these properties are R1(C), or if we rezone all three to clarify that they are all three, which seems redundant to me but regardless, what is the risk or exposure to the customer one way or the other? It looks to me like there is not because the county lot lines are what is going to prevail in anything that is done. Is that not true?

Chairman: That is correct

Chamblee: So there is really no risk to the owner in what he wants to do with these three lots that he has not already assumed since day one. Because he based everything he did on the property lines of those properties in 2009...

King: Before the zoning

Chamblee: I understand but the property lines themselves are not going to change.

King: I'm not arguing with property lines changing, they are exactly the same as they were then as they are now. I'm just saying where is this v in the scheme of things? Is it one lot, is it ¼ lot, is it ten feet either way, we just don't know, there is a gap there. Clearly somebody made a mistake, I don't question that, but how big was their mistake?

Chairman: What we have to do with the best information that we have on lot 608 is make a determination, the other two lots beside it are R1(C), this one is in the middle, its unzoned, I just throw that out to the board. Do you have any further questions of Mr. King?

No comment from board.

Chairman: Anyone else from the audience like to speak to this issue?

Turner: I have a question.

Chairman: Go ahead.

Turner: Michelle, this map that is on the wall, it was adopted by the Town, are those lots in that green area that is solid green, are they the ones we are looking at, right here on this map here?

Shreve: I have the county GIS and I colored in the three lots so we could tell the three of them apart.

Turner: Are they in this parcel we see on the wall?

Shreve: Yes ma'am, it's the red one.

Turner: All one color right, and if I called you today and I said I have parcel so-and-so, without you looking at a map, can you look on the data and tell me what they are zoned?

Shreve: Which data?

Turner: County GIS, without looking at a color, can you tell if that is zone R1 or R2 or R3, without looking at the colors.

Shreve: Yes ma'am.

Turner: So this was adopted by the Town, it is correct color and you don't even need a color for you to be able to give the information out. Is that correct? Can you see from county GIS?

Shreve: County does not have our zoning.

Turner: You can go into ours and tell exactly which zone without a color.

Shreve: Yes thru Property Pilot. I'm not sure what you are asking.

Chamblee: I think she's asking can we tell how it is zoned if we don't look at a color. Would we know, how would you tell before all this came up, how would anybody say how these three lots are zoned? Would they look at something or say they are not?

Shreve: As far as what the current land use is?

Turner: Yes

Shreve: You can make a generalization but you can't say specifically just by looking at it.

Ramsey: Because they were left out.

Shreve: Well, there are some districts that have residential and commercial mixed uses and some districts that have non-conforming uses that are still existing.

Turner: If you looked at this map here, which the town did adopt, you would see that it is all green, is that correct?

Johnson: No it's that void, little white sliver

Turner: Ok, that white sliver is no zone at all.

King: I'd like to point out besides her previous email today, in response to Mr. Taylor's question about where the lines are and how do I define that, she indicated that she did not have any discreet data as to that. The other thing is if you look at the August 24, 2009 adoption of this, what it did is said we adopt

this map as our zoning. It did not define any lots whatsoever as far as meets and bound and provision lines. It just said this is now our zoning map. So dealing with that is still vague. It is a generalization and that's my point as to where the boundary lines are in that v. Because whoever colored it obviously left something out. I'm assuming maybe when they changed this from conservation back to something else, perhaps they changed something else. I don't know the answer to that but certainly the map is what was adopted and there is not discreet data as to where that missing gap is. So that is why my suggestion/request would be that you go to Town Council and recommend because of the ambiguity that they need to rezone all three parcels.

Shreve: We will not be able to do that tonight.

Chairman: No and I don't intend to table this again. We are going to call for a motion; you members are going to have an opportunity vote on it. Anyone else in the audience with any comments?

Chamblee: Let me say this one more time, whether we rezone and have the Town rezone all three lots or whether we simply rezone or clarify the zoning on 608 to be in accordance to with what we believe was the original intent, it has no effect on any property lines of what the customer can and cannot do with the property, or anything, whatsoever.

Shreve and Chairman: That is correct.

Chamblee: Ok, I'm good.

Johnson: Michelle, is there any other part of that map is unzoned?

Shreve: No

Johnson: Would the Town have ever had a reason to leave any property unzoned?

Shreve: No

Chairman: For some reason, it appears to be an oversight is all it was. For whatever reason, no one noticed and that lot was not singled out to be unzoned. I cannot believe that anyone in the government here would do so. I'm going to call for a motion and there will be further discussion.

I call for a motion to recommend to the Town Council that 608 West Fort Macon Road be zoned R1(C) or we can recommend to the Council to deny the rezoning of 608 West Fort Macon Road to R1(C).

Chamblee: I move to rezone R1(C)

Chairman: I have a motion from Neil (*Chamblee*) to rezone, second my Lewellyn (*Ramsey*). Any further discussion before we vote? Now is the time to speak. (*pause*) Seeing as there is none, all in favor of recommending to the Council to rezone 608 West Fort Macon Road to R1(C) by show of hands in the affirmative. It is a unanimous vote.

Chairman: Next item on Agenda:

Staff Update on UDO reorganization:

Shreve: Currently we have the preliminary draft of the Code Diagnosis and that document kind of explains what we are looking to reorganize within the UDO and the legislative updates that have

happened since 2009. The principal of the company we are working with is the legislative chair for the NC Chapter of the American Planning Association so he is the person to bring us up to speed to be in compliance.

We are reorganizing the UDO and making it more user friendly. We look over the document and give our comments and they provide another draft which we take to the boards for comments. They will give us the final based on those comments. We are not changing policies, policies are good. We are reorganizing them so they are easier to read and interpret. There has been a slight delay on their end and we are not interfering with summer plans of board members. Arrington and I will do this work hopefully during the winter months with things are not so busy.

Bulk of writing will be done in-house; we will contract with them for most of the legislative changes to be sure of compliance.

Other Business:

Ramsey: Our office, Realty World is soliciting donations from business in Atlantic Beach to collect enough funds, need \$8-10,000 to put handicap mats beside Davis Beachwear all the way out to the ocean front. Then go across to park wheel chair or baby carriage. State has big wheel handicap chairs that are hard to maneuver and have someone issue them.

ADJOURNMENT

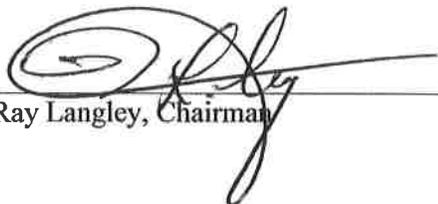
Being no further business, Chairman Ray Langley called for a motion to adjourn the meeting at 7:45 pm. The motion was made by Rich Johnson and Curt Winbourne. The vote was unanimous.

Respectfully Submitted,



Kim Tynes, Secretary

Approved by:



Ray Langley, Chairman