



**Minutes
Town of Atlantic Beach
Planning Board Meeting
November 15, 2016**

Members Present

Ray Langley, Chairman
Neil Chamblee
Rich Johnson
Steve Joyner
Norm Livengood
Llewellyn Ramsey
Curt Winbourne

Members Absent

None

Staff Present

David Walker, Town Manager
Michelle Shreve, Planning Director
Katrina Tyer, Clerk
Arrington Moore, Management Assistant
John Harrell, Inspections Director
Jeff Harvey, Police Chief

CALL TO ORDER

Chairman Ray Langley called the meeting to order at 6:00pm.

MOTION TO EXCUSE ABSENT PLANNING BOARD MEMBERS

None absent.

APPROVAL OF AUGUST 2, 2016 and SEPTEMBER 6, 2016 PLANNING BOARD MINUTES

Ramsey made a motion *to approve* the August 2, 2016 and September 6, 2016 minutes. Seconded by Winbourne. Vote was unanimous, 6-0. Motion carried.

TEXT AMENDMENT – SECTION 5.5 AND APPENDIX A.3 OF THE UDO

This text amendment was initiated by staff ahead of the UDO Update process to increase clarity in the development approval process. Single-family attached dwellings are permitted in nearly every zoning district, including single-family residential districts, despite the multi-family nature of the use. Single-family attached dwellings are in essence townhouses. Following the addition of the townhouse ordinances in 2015, this use was not removed, though the definitions overlap. Having two use types of functionally similar definitions with differing permitted zoning districts can lead to legal dilemma if proposed development is denied because it doesn't meet the standards of one or the other use type. Many updates in the UDO are organizational, but like this text amendment, some bring clarity and simplicity to the administration of the ordinances. This discrepancy between townhouses and single-family attached dwellings has been pointed out by citizens and CodeWright, who recommends the change. A recent inquiry into development on property in the R-1(M) zoning district spurred the initiation of this text amendment.

No public comment.

Livengood made a motion *to recommend* the text amendment to remove the "Dwellings, single-family – attached" use type from Chapter 18, Section 5.5 and the definition for "Dwelling, Attached" from Appendix A.3 to Council for consideration at their regular meeting on November 28, 2016. Seconded by Chamblee. Vote was unanimous, 6-0. Motion carried.

CUP-16-01 – "2610 WEST FORT MACON ROAD"

Planner Shreve reviewed the proposal for a conditional use permit to operate a bar at 2610 West Fort Macon Road in the former White Sands Mini Mart at the corner of Knollwood Drive and West Fort Macon Road. This property is within the Resort Services district, and a tavern or bar is only permitted under a conditional use permit. The property has been vacant for some time. Applicant, Brandon Rigsbee, provided an updated site plan and proposed limiting the business to seasonal operation May through September.

Section 6.33 sets out standards that must be met or exceeded by a tavern, bar, or nightclub. Staff suggests:

- the impact of lighting on the surrounding areas will be less than or equal to the lighting of the previous business because no additional lighting is proposed, and the gas pumps, canopy, and associated lighting have been removed.

- the impact of the noise will be less than or equal to the noise levels of the previous business, because the business transactions are inside the building, rather than at gas pumps, or outdoor sales.
- The impact of the traffic would be less than or equal to the traffic of the previous business, because there will be no coming & going of gas station traffic and less idling of cars.
- the impact of the refuse collection areas will be less than or equal to the refuse of the previous business, because there will be the same number of roll-out carts for trash and recycling, with opaque screening. If a dumpster is needed in the future, it has been proposed to be screened similarly.

These should be taken in consideration because Mr. Rigsbee has proposed to operate his bar seasonally, May to September, leaving seven months of the year without business hours. Mr. Rigsbee has also proposed to operate his bar no later than midnight, which considerably cuts down on the late night noise, lighting, traffic, and trash.

The limited times and months of operation are conditions that can be placed on the conditional use permit. The opaque screening of refuse, number of parking spaces, type and number of exterior lighting, and other standards-related conditions are possible for the Board of Adjustment to consider.

Mr. Rigsbee presented his plan and responded to questions from the Board. He runs a similar business in Emerald Isle, Goose Creek Growlers, with a focus on regional and NC beers and would like to offer the same in Atlantic Beach. He does not desire to have a loud rowdy bar. There are not any plans for loud entertainment or bands, maybe one man acoustics. The average crowd in the Emerald Isle location is around 30-40. If successful, he may wish to extend his open season. They have had no incidents with law enforcement inside his business in Emerald Isle. As a condition of the fortified wine license he must offer pre-prepared foods, but will not have a kitchen. He intends to install and enforce parking signage. He respects the neighborhood behind him.

Larry Hopkins. 114 Beachwood Drive. He is a resident of area and does not want to see change. The area has never had this type of business before and there are concerns from others in the trailer park. He questions if there are enough bathroom facilities and is worried if not, people will go outside. He is concerned if the business does not make it, someone else will come in and not care as much. He has seen trash issues in the past.

Chairman Langley asked Chief Harvey about issues with bars and public urination. Chief Harvey spoke to the Emerald Isle police chief and this was not mentioned, the police chief spoke highly of him as a business man and his business.

Wayne Jenkins and wife Donna. 121 Beachwood Drive. He feels the plan is not compatible or in harmony with the area because of the young customers that visit Dairy Queen and the adjoining neighborhood trying to get to the beach.

Sam Hamad owner of the 2610 location (and Dairy Queen). He feels the plan is in harmony with the area and considered the things mentioned before he decided to rent the location. He has been to the Emerald Isle location and hates to even call it a bar due to the clientele and product. Mr. Rigsbee runs a clean establishment. He has a lot of conditions in the lease restricting noise (entertainment). He has spoken to the mobile home renters behind the area (he rents to them).

Mr. Rigsbee is not here to cause any nuisance to the neighbors. He has approval from Environmental Health. He has no problem with foot traffic in Emerald Isle and customers bring their children into the establishment.

By show of hands, the Board acknowledged 5-1 approval of this proposal without conditions to the Board of Adjustment. Joyner did not acknowledge.

Winbourne and Ramsey will present the Planning Board's recommendation to the Board of Adjustment at their November 21, 2016 meeting.

Major Site Plan – “The Grove”

The major site plan within the Circle Development District under review includes several components:

- A twelve-story hotel that includes parking and access on the first floor, lobby and restaurant space on the second floor, and the top ten floors have twelve ocean-view rooms each, for a total of 120 rooms.
- The oceanfront hotel amenity building including the fitness center, outdoor pool, and a café.

- Parking lots to serve the hotel, an off-site parking lot off of East Drive and parking to serve a future mixed-use development.
- The parcel subdivision for the hotel and amenity building, off-site parking lot, festival area and widened walkways, future ocean-front single-family residences, future mixed-use development, and future condominium development.

Standards covered at the Technical Review Committee meeting:

- Many review criteria for this district are measured in totality of the master development plan, rather than by each individual development proposal to allow the development of the Circle. FMB at the Grove has been updating the master plan yearly, and at each development proposal.
- The maximum gross density for the master plan cannot exceed 50 units per acre. With the proposed development, the gross density for the master plan is 28.79 units per acre.
- There are no minimum lot size requirements when sewer connection is provided, which it is.
- There are no impervious surface limits when stormwater management meets stormwater standards. Section 2.26(A) requires projects over an acre to obtain a state stormwater permit, which overrides the Town's stormwater management requirements.
- Building design standards require articulation and permeability at the street level in order create more dynamic spaces.
- Properties that front Atlantic Blvd., East Drive, and West Drive must establish 75% of one floor to non-residential use. This is satisfied.
- Building height standards in the Circle are created to be tallest towards the center, with decreasing height and density cascading towards the cottage districts.
- The height limit for the hotel in the center of the Circle, Sub-zone A1, is 185 feet, and the oceanfront amenity building within Subzone A can be up to 155 feet tall. Mechanical equipment and decorative structures can extend an additional 20 feet above the structure.
- Landscaping standards include two components: planting strips and street trees. Planting strips should be 5' wide between sidewalk and road to the maximum extent practicable. Street trees can be placed in planting strips, no further than 50' apart on center, and must maintain the same species, spacing, and distance throughout development.
- Buffer yards are not required for this project because the adjacent properties are within the same zoning district.
- Screening standards require for utility structures and dumpsters visible from public streets or adjacent properties to be screened to 90% opacity, which would include the mechanical equipment to the west of the hotel and the dumpsters at the parking lot off East Drive.
- The installation of sidewalks is one of the biggest additions for the Circle. Existing sidewalks will be utilized and added to increase pedestrian access around the Circle. Sidewalks along Atlantic Blvd., West Drive and East Drive must be a minimum of 8' wide, with a minimum of 6' for other streets or pathways. There are sections where the minimum required widths are proposed to be smaller, which can be approved by the Planning Board and Town Council if they accommodate for parcel shape, topography, utilities, roads, or other extenuating circumstances, so long as they continue to meet ADA compliance.
- The Circle Development District standards require accessways to public spaces, i.e. the beach, at least every 600 feet. The current accessway between Crab's Claw and The Grove Oceanside project is ten feet wide, and the existing two cobblestone walkways are 14 feet wide, and they are spaced about 100 feet apart.
- Driveways must be 50 feet apart from each other and from other intersecting streets. The closest driveway-to-intersection distance is about 60 feet.
- Parking is one of the more complex issues for this district. As seen in the Parking and Open Space Summary chart (included in the minutes), the number of furnished spaces surpasses the number of required spaces. This major site plan requires 180 parking spaces: one and a half spaces per hotel room, at 120 rooms. The accessory uses of the hotel, such as pool, fitness facility, or restaurant, are incidental to using the hotel and as such do not require additional spaces to serve them. Parking is planned as: 131 on-site, 8 on-site private, 40 off-site public and 5 off-site public, a total of 180 spaces. 12 spaces are removed, but 28 were added.
- There are two types of parking spaces: on-site private parking or off-site public parking. On-site parking spaces are private, dedicated to the use of the parcel they are located on. Off-site parking spaces are counted in the number of parking spaces furnished for a use, but also can be utilized by the general public. These off-site parking spaces can be accounted for from up to ½ mile away from the development.
- None of the Town's on-street parking has been utilized in these totals. Some of the on-street parking is proposed to be removed to create the access drives to serve the developments, and those on-street parking

spaces will be replaced within the Town's right-of-way on East Bogue Blvd. and East Terminal Blvd. around the water tower property.

- A minimum of 15% of the gross acreage of the master plan must be dedicated as open space. This is area that is allowed to be left in natural state or attributed to limited recreational uses. They must provide 60,394 square feet of open space, and are providing 80,526 square feet in this iteration of the master plan.

Developer Fred Bunn stated the property he owns on E. Fort Macon Road will be developed later, probably with condos. He does not plan to move the Tackle Box this season, eventually it will be re-built and moved to the north.

Ron Cullipher, Stroud Engineering, acknowledged a lot of work has gone into this project with the Town. He is appreciative for all the hard work staff has put into it. He clarified the proposed building is a total of 12 floors. Ten floors will have 12 all oceanfront rooms and the 2 additional floors will be utilized for the first floor parking level and second floor lobby level.

Susan Hassel, 528 N. Kinston Ave. She is curious what kind of trees will be planted.

Fred Bunn stated he will continue with palms.

Andy Blades, 126 E. Boardwalk. He is concerned with overdevelopment, increased traffic and parking. He is concerned with parking designated as public, when it is needed for development. This will make the Circle a place where people stay, not come to park and leave.

Betty Jean King, 201 W. Bogue Blvd. She stated all the traffic turns and travels down her street when the Circle streets flood and questioned if this problem would be addressed. There is not enough parking spaces now during the summer months. This will add extra problems for law enforcement. She supports commercial development.

Julie Morris, 109 E. Atlantic Blvd. She understands development must happen, but wants to see more upper class and kid friendly establishments. Does not want so much commercial property the public cannot access, or we lose the community feel. She is pleased with Fred's bungalow developments and thinks everything he has done so far looks good, but this will change home.

Phil French, 509 W. Boardwalk. He stated there are three issues the Board has not discussed. 1) The maximum density is not the 29.9 as shown, its 20. Questioned why the Board is allowing this. Anything over 20 requires the Board's permission and they haven't even discussed it. 2) The Board hasn't discussed height. 3) Sidewalks are required to be 8ft, they some are only 5ft. In order to change the requirement, they must have exceptional circumstances. And there is not a justification of open space. Noone has explained the cottage feel the Town tries to maintain.

Rose Alberghini, 307 W, Atlantic Blvd. Has been here over 35 years and enjoyed the family community atmosphere. Feels this is a lot of development to put at the Circle. She thought this would be an area for them.

Kathy Harrington, 120 E. Atlantic Blvd. She is concerned with traffic. Will she still be able to ride her bike, walk around the Circle and see the ocean when she crosses the bridge? She is not opposed to change or development. She does not feel the Town has enough law enforcement or fire staff to support additional people. Questions if the need for greed and profit has gotten so bad it has taken over the citizen needs.

Craig Griffin, 202 W. Atlantic Blvd. He lives adjacent to Pescara Restaurant and Idle Hour. He understands there will be additional restaurants and shops. For these establishments to make it, we need a place where people can stay. He has seen no issues with the changes and likes right now better than the past.

Jim Bailey, 517 E. Ft. Macon Rd. He has been here 70 years. Thinks Atlantic Beach is lucky to have someone like Fred Bunn with a great vision. Thinks everything he has done so far is impressive. He is excited. Is it perfect? No, but he thinks it is a good thing.

Judy French, 509 W. Boardwalk. She has been here so long she remembers the old wooden bridge. She is concerned where the staff for the restaurants and businesses will park. She wants to know where the people coming to the shops are going to park.

John Alberghini, 307 W. Atlantic Blvd. Is concerned with the lack of parking spaces. A lot of development means people park along the street causing the fire department trouble getting to homes.

Fred Bunn, Developer. He appreciates everyone being here and what they are saying. The building plan has been the same since this development started. He sees people walking and riding in the Circle area like never before. He thinks the hotel can benefit residents, if they have guests they can stay in the hotel. He thinks there is a lot of positive energy on the beach and we must keep up with Emerald Isle and Morehead City and not die. He stated the industry standard is 1.5 parking spaces per room and they have provided that. He is providing the required public space for the public and the Town to use for events. He intentionally designed this out of respect for the neighborhoods; no tall buildings on the oceanfront or the outside. The original plan was three much taller buildings.

Johnson questioned if he had potential for shops and new businesses. Fred stated he has a commitment from six new businesses; an art and clothing boutique, ice cream shop and a coffee shop. He feels good about his commitments and the economy.

Winbourne asked Planner Shreve if there is anything abnormal in this request that the Board must consider. She confirmed that he has met all of the requirements of the UDO, as she stated earlier, and does not recommend any.

Chairman Langley allowed Mr. Blades to speak again. He is real concerned about the density and if it rises to high, will the State mandate a Town sewer system.

Ramsey clarified that is not an issue for this project, Mr. Bunn has his own package plant serving the Circle.

Johnson made a motion *to approve* the Major Site Plan for the Grove as presented. Seconded by Joyner. Vote was unanimous, 6-0. Motion carried.

Mr. French approached the Board about not addressing the comments he brought up.

Chairman Langley discussed with the Board about participating in the Town Christmas parade and provided details for decorating his boat.

Chairman Langley read his letter of resignation from the Planning Board, effective after the December 6 meeting. He has had the pleasure to serve the Board since 2007. He and his wife are considering moving from the area.

ADJOURNMENT

There being no further business Chamblee made a motion *to adjourn* the meeting. Seconded by Joyner. Vote was unanimous, 6-0. The time was 7:56 p.m.

These minutes were approved at the December 6, 2016 meeting of the Atlantic Beach Planning Board.

TOWN OF ATLANTIC BEACH

ATTEST:



Katrina Tyer - Town Clerk



Ray Langley, Chairman