



Minutes
Town of Atlantic Beach
Town Council and Planning Board Joint Meeting
August 17, 2017

Town Council Members Present

Mayor Trace Cooper
Mayor Pro Tem Danny Navey
Harry Archer
Ann Batt
Eddie Briley
John Rivers

Town Council Members Absent

None

Staff Present

Megan Hunter, Secretary
Michelle Shreve, Planning Director
David Walker, Town Manager

Planning Board Members Present

Neil Chamblee
Llewellyn Ramsey (arrived at 7:44pm)
Rich Johnson
Norm Livengood
Rich Porter
Curt Winbourne

Planning Board Members Absent

None

Others Present

Derek Taylor, Town Attorney
Austin Waters
Judge Doug McCullough
Lucci McCullough
Mike Shutak, Carteret News Times

CALL TO ORDER

Mayor Cooper called the meeting to order at 7:00pm.

Councilmember Archer made a motion *to approve* the Agenda. Seconded by Councilmember Batt. Vote was unanimous, 5-0. Motion carried.

REVIEW PROPOSED UNIFIED DEVELOPMNET ORDINANCE DRAFT

Mayor Cooper opened the meeting. He wants to use this meeting to clarify what changes will be made to the current UDO. It is intended to make it easier for staff and citizens to use and be compatible to state and federal laws.

The goals of the update are expanded table of contents, graphics, added cross-references, removal of footnotes and index integrated.

Attorney Tom Terrell, Land Use Specialist, reviewed the entire document for legal compliance, etc. Based on his review we made several changes, which is mainly what is reviewed today. There are wordsmithing and punctuation changes. The old ordinance listed detail standards that are required by statutes, we are removing the details from the updated ordinance and referencing the statute so the code doesn't have to be amended every time there is a statute change. The update clarifies the boards and staff making the decisions are the appropriate ones to make those changes in accordance to state law.

Mayor Cooper reviewed some of the proposed changes:

18.1.2 – Inclusion of effective date (August 28, 2017)

This date listed in the version before Council is not the actual effective date, the date will be extended for further review.

18.1.8.C – Simplification of conflicting language provisions

More restrictive provision controls

18.1.9.D.3 – Deadline for project completion

Completion schedule delayed during legal challenge

18.2.2.B: UDO Administrator

Conducting pre-application conferences

No recommendations on text / map amendments

Recommendations on CUP and ROW Encroachments

18.2.2.E: Technical Review Committee

No recommendations

Deciding Major Site Plans (after concept proposal)

There was detailed discussion on the major site plan review and approval process. Currently the Technical Review Committee "TRC" reviews the plan and there is a Planning Board public hearing with recommendation to Council and a Council public hearing and decision. It is not efficient for the public hearings to be held after the developer has already provided the final plan. The plan is to encourage developers to have a neighborhood meeting to get public input in the beginning of the process.

It was the consensus that Council and Planning Board have a joint public hearing before the project goes to the TRC then to the Planning Board for recommendation to Council for the final decision.

Mayor explained the plan is to create a Procedure Manual providing details for staff to use in the review process.

Attorney Taylor reminded Council the bottom line is to follow to the Code and stay away from subjectivity.

Councilmember Archer reminded to make sure the CAMA LUP matches this UDO.

It was the consensus that the definition of a major site plan on residential developments should be changed from greater than 4 units to greater than 5 units.

18.2.2.F: Planning Board

No recommendations on ROW Encroachments

18.2.4.C: Administrative Adjustment

It was listed that the UDO Administrator had the ability to make small changes, such as a small variance, that is not legal so that has been removed.

18.2.4.Z: Vested Rights Determination

This section was removed per Attorney Terrell's recommendation and state law.

18.2.3.F: Waiver of application requirements

18.2.3.D: Neighborhood meeting posted notice

It was the consensus that this item remain. We are a small Town and we want the neighbors to be aware.

Mailing a letter is not sufficient notice.

18.2.3.H: Mailed notice radius (follows state law)

18.2.3.M: Conditions of approval (except for quasi-judicial applications)

18.2.3.K/L: Statement of factors for decision

18.2.4.Q: Major Site Plan (this item was discussed at the beginning of the meeting)

Two-phase application (concept proposal/plan)

Concept proposal step clarified

TRC to decide application

No conditions of approval

18.2.4.O: ROW Encroachment

These are quasi-judicial items and should be handled by the Board of Adjustment, not Council.

No Planning Board review

18.2.4.I: Development Agreements

No minor (administrative changes)

18.2.4.X: Variance

Flood variance treated like a regular variance

18.2.4.Y: Zoning Map Amendment

Added requirements for written statement of consistency (based on new state law)

Removed suggested review criteria

18.4.1: Current standards removed from use table

18.4.1: Government Facilities added to MHI and CIR Districts

18.4.1: Bars, Nightclubs, Taverns Removed from MHI (note use-specific standards need updating)

18.4.7.A.1.b: Minor clarification for individual manufactured home spacing

18.4.7.B.4.e: Clarification that inclusion of collocated antennas allows an up to 20-foot increase in tower height (state law)

The term Conditional Use Permit should be changed throughout the document to read Special Use Permit. This is preemptive to a pending state law change.

It was concluded to remove the number of seats from the restaurant requirement and just use square footage.

18-3 Conservation District.

There was lengthy discussion regarding the height of new construction homes and lot size requirements in the conservation district. It was the consensus to require a larger lot size and regulate the height size.

The flood plain references will be removed and reference federal law, per Attorney Terrell.

Stormwater standards will be addressed later after more research.

In summary, it was the consensus of the boards to make the following changes to the current UDO draft:

- Add Planning Board and Town Council steps back into the Major Site Plan process
- Change Major Site Plan requirements to projects with more than five units (minor site plans to have up to five units)
- Add Town Council step to the Major Subdivision process (to mirror Major Site Plan process)
- Add required posted notice to neighborhood meeting step
- Remove ability for letter to function as the neighborhood meeting (letter before is fine, but actual meeting should take place)
- Change encroachment agreements to Board of Adjustment instead of Council
- Change the term Conditional Use Permits to Special Use Permits to meet pending statute changes
- Remove number of tables calculation from eating establishment categorization
- Further research potential conditions for a special use permit in MHI district for "Bars, Taverns, & Nightclubs"
- Propose additional and/or more restrictive standards for the RSC district
- Change calculation of street setback to allow use of setback of structure on the other side of vacant lot next door

MAYOR/COUNCIL/PLANNING BOARD COMMENTS

None.

CITIZEN REQUESTS/COMMENTS

None.

ADJOURNMENT

There being no further business Mayor Cooper closed the meeting at 9:12 pm.

These minutes were approved at the September 25, 2017 meeting of the Atlantic Beach Town Council.

ATTEST:


Katrina Tyer – Town Clerk



TOWN OF ATLANTIC BEACH


A. B. Cooper, III - Mayor