



**Minutes
Town of Atlantic Beach
Planning Board Meeting
October 3, 2017**

**Planning Board Members
Present**

Neil Chamblee
Llewellyn Ramsey
Rich Porter
Curt Winbourne

**Planning Board Members
Absent**

Rich Johnson
Norm Livengood

Note: Steve Joyner resigned
from the Board on Aug 14, 2017

Staff Present

Michelle Shreve, Planning Director
A. B. Cooper, III, Mayor
Katrina Tyer, Town Clerk
Arrington Moore, Management Assistant
Lee Browning, Inspections Director

Others Present

Fred Bunn, FMB at the Grove
Fred Dean, Board of Adjustment Alternate
Mike Shutak, Carteret County News Times

CALL TO ORDER

Chair Chamblee called the meeting to order at 6:00pm.

EXCUSE ABSENT PLANNING BOARD MEMBER(S)

Ramsey made a motion *to excuse* Norm Livengood and Rich Johnson (travel) from tonight's meeting. Seconded by Porter. Vote was unanimous, 3-0. Motion carried.

APPROVAL OF JUNE 6, 2017 AND AUGUST 1, 2017 PLANNING BOARD MINUTES

Porter made a motion *to approve* the June 6, 2017 and August 1, 2017 minutes. Seconded by Ramsey. Vote was unanimous, 3-0. Motion carried.

LOOKOUTS AT THE GROVE – MAJOR SITE PLAN MODIFICATION

Staff Presentation

Michelle reviewed the Major Site Plan Modification of the Lookouts at the Grove on West Drive. This modification proposes to change the ownership of the seven mixed-use units from separate lots to condominiumized units. The current ownership of land is such that each building is on an individually platted lot.

While under construction, a building code issue was identified involving the walkways and ramps between mixed-use buildings. This modification is in response to that issue. The components under review are the only changes to be made, the remainder of components of this project are still in effect as approved in the major site plan on December 14, 2015.

The requested change is instead of seven individually platted lots for the seven buildings, there would be two separate lots, divided by the alley in between, with condominiumized commercial and residential units within the mixed-use buildings. This satisfies several building code requirements and has been confirmed by NC Department of Insurance as compliant.

Section 6.8 of the UDO regulates development within the Circle Development District. These buildings have footprints of approximately 450 square feet, which is compliant with the floor area ratio requirements for each of the two separate lots.

Section 14.4.3 of the UDO, multi-family development requires major site plan approval. The Major Site Plan review and approval process began when Stroud Engineering, agent for applicant FMB at the Grove, submitted an application on September 5, 2017. Review of the project was on the October 3 Planning Board agenda. On September 13, 20 days before the Planning Board meeting, 106 letters were sent to those owning property within 500' of the project. These letters notified property owners of the public hearings for the major site plan approval process, including Planning Board and Town Council meeting times and dates, but officially served as the notification for the Planning Board public hearing in accordance with state statutes.

Before Planning Board reviews a major site plan, the Technical Review Committee meets to discuss technical compliance of the project with all applicable Town Codes and Ordinances. The TRC met on September 13 and collectively recommended this project to the Planning Board.

Public Hearing

Winbourne made a motion *to open* the public hearing. Seconded by Ramsey. Vote was unanimous, 3-0. Motion carried. The time was 6:06pm.

Kathy McGee, 220-A West Atlantic Blvd. and also owns Lot 14 at The Lookouts. She had questions about the HOA and continued access to the pool. Fred Bunn answered that the pool and retail are a separate HOA, but owners will continue to have access.

Ramsey made a motion *to close* the public hearing. Seconded by Porter. Vote was unanimous, 3-0. Motion carried. The time was 6:08pm.

Planning Board Discussion and Recommendation

Winbourne made a motion *to recommend* the Lookouts at the Grove Major Site Plan Modification to Town Council for approval, seconded by Porter. Vote was unanimous, 3-0. Motion carried.

PRESENTATION AND REVIEW OF UDO UPDATE PUBLIC HEARING DRAFT

Staff Presentation

The Planning Board reviewed the Public Hearing Draft of the UDO Update. This document reorganizes, clarifies, and improves the Unified Development Ordinances. They will make recommendations for the Town Council to receive at the public hearing during the Council meeting on October 23, 2017. Michelle confirmed the current draft of the UDO and the errata sheet were posted on the Town's website the same day the Planning Board received it, about a week.

There was group discussion regarding changes to permitted bars and taverns in the MHI district. It was the consensus to not allow bars and taverns in this district especially after the amount of public input at the last public hearing for a Conditional Use Permit in the area.

Porter made a motion *to remove* bar, nightclub or tavern use type from the MHI zoning district. Seconded by Winbourne. Vote was unanimous, 3-0. Motion carried. Michelle will add this item to errata sheet for Council to consider.

Project Goals

- Increase user-friendliness
- Enhance predictability in development review
- Maintain consistency with state law
- Foster easier administration
- Maintain legal defensibility

It is important to note that the goals and recommendations in the code assessment are largely technical in nature. They deal with structure, organization, and presentation of code provisions – not with the current substantive requirements. This update is more a series of technical corrections and clarifications than revisions to standards. There are some changes to standards, but in most cases, these changes relate greater language clarity, greater procedural efficiency, and changes needed to maintain consistency with changes to state law. Our main goal is to refine, not reinvent the Town's current UDO.

10 Basic Concepts of New UDO

1. Intuitive organization and easier navigation
2. Consolidate similar provisions (remove repetition)
3. Identify purpose and intent wherever possible
4. Trade vagueness for measurable review criteria
5. Foster predictability for users and residents

6. Use summary tables, flowcharts, and graphics
7. Rely on clear definitions
8. Maintain legal defensibility
9. Comply with changing state and federal laws
10. Refine, don't re-invent

18.3 Zoning Districts

The function is to lay out the purpose and intent, dimensional standards, and examples of preferred development types for each zoning district.

- Revised the names and abbreviations for each zoning district to be more intuitive
- Authorized the UDO Administrator to interpret zoning map boundaries instead of the Board of Adjustment
- Reorganized district information into matrix form and added graphic elements to illustrate the dimensional standards, typical development forms, and lotting patterns in each district
- Updated the district-specific purpose statements for each zoning district
- Relocated dimensional standards from a single table to be located with each individual district
- Revised the RSC district to allow single-family detached residential via a major site plan instead of a conditional use permit to remove confusion about whether the RSC is a conditional zoning district
- Consolidated the Causeway Overlay (COD) district with the General Business (GB) district and removed the overlay district designation
- Removed the cluster residential provisions as they have never been used

18.5 Development Standards

The function is to set out the development (parking, landscaping, fences, signs, and design) standards.

- Property address numbers now have a timing requirement (prior to occupancy)
- The CIR district standards related to sight distance triangles from State streets and driveway entrances to be applied everywhere
- Multi-use paths may be provided in lieu of or in addition to sidewalks
- The off-street parking standards are revised to recognize the new line-up of uses, greater detail on configuration, simplification in space size calculation, and more robust parking flexibility requirements
- Changes of use and expansions are subject to parking requirements
- Parking lot landscaping provisions have been supplemented with interior island planting requirements along with new standards requiring vegetative screening around the perimeter of the parking lot
- The perimeter buffer opacity ratio system has been replaced with a simplified opacity performance standard (full, partial, intermittent)
- Clarified that screening is to be provided between refuse collection facilities and equipment areas and streets, single-family detached residential, and duplex dwellings
- Exterior lighting standards have been simplified to apply a maximum illumination at the lot line standard that is well below the current maximum allowed, but slightly higher than the current minimum allowed
- The architectural standards for single-family and duplex dwellings have been removed in accordance with limitations of State law
- The signage standards are revised to remove all content-based (including event-based and speaker-based) provisions in accordance with the recent Reed ruling by the US Supreme Court

The main changes since the August 14 meeting were incorporated in the copy of the UDO before the board, shown in redline. Some of the highlights are:

- Attorney Tom Terrell had some concerns with the consistency of the flood damage prevention ordinance, Section 18.6.3. We incorporated verbatim wording from the State's model ordinance.
- The major site plan review procedure previously ended with a TRC review and recommendation to ensure that the approval was unmistakably administrative. We added Planning Board and Council reviews (without public hearings) at the end of the procedure, with wording and procedural provisions that ensure the decision is administrative. If the applicant demonstrates that the proposed development meets the applicable ordinances, the project will be approved.
- Major site plans were also changed to apply to developments with six or more units. Minor site plans include 5 unit multi-family development in addition to quadplex, triplex, and duplex residential developments.
- Major subdivisions were also extended to Council approval from Planning Board approval.

- Right-of-way encroachment requests were previously heard by Council, which is carried over from the current UDO, but now they will be heard by BOA since they are quasi-judicial. Now BOA hears only and all quasi-judicial cases.
- The name of Conditional Use Permits was changed to Special Use Permits. They are the same procedure.
- Taverns, bars, and nightclubs were added back as a conditional use, now special use, for the Mixed-Use High Intensity zoning district, and use-specific standards were added to prevent them from opening within 250 feet of a residentially-zoned lot or lot with a residential use, within the MHI district only.
- Standards were added or changed in the Residential Single-Family Conservation district to make the district more compliant with the Land Use Plan and less impactful for areas zoned as environmentally sensitive.
- Provisions were added for street setback measurements, ensuring that alternative scenarios are correctly addressed, such as vacant adjacent lots.

Public Hearing

Ramsey made a motion *to open* the public hearing. Seconded by Porter. Vote was unanimous, 3-0. Motion carried. The time was 6:23pm.

No Public Comment.

Porter made a motion *to close* the public hearing. Seconded by Winbourne. Vote was unanimous, 3-0. Motion carried. The time was 6:23pm.

Planning Board Discussion & Recommendation

Ramsey made a motion *to approve* the Adoption Draft of the Unified Development Ordinance, as revised in the red-lined version printed and bound in front of us, and amended by the errata sheet, as determined in the Statement of Consistency. Seconded by Winbourne. Vote was unanimous, 4-0. Motion carried.

Clerks Note: The Redline Adoption Drafts of the UDO were collected from the board members by Michelle for distribution to Council. A copy of the complete document will be included in the October 23 Council minutes.

OTHER BUSINESS

None.

ADJOURNMENT

There being no further business Chairman Chamblee adjourned the meeting. The time was 6:26pm.

These minutes were approved at the March 6, 2018 meeting of the Atlantic Beach Planning Board.

ATTEST:


Katrina Tyer, Town Clerk

TOWN OF ATLANTIC BEACH


Neil Chamblee, Chairman