



**Minutes  
Town of Atlantic Beach  
Planning Board Meeting  
November 12, 2019**

**Planning Board Members Present**

Fred Joey Dean  
Doug McCullough  
Neil Chamblee  
Mark Ferrell

**Planning Board Members**

**Absent**  
Llewellyn Ramsey  
Curt Winbourne

**Staff Present**

Michelle Eitner, Planning Director  
Betty Odham, Admin Assistant  
Nick Krebs, Planner

**Others Present**

Mike Shutak, Carteret County News Times

**CALL TO ORDER**

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

**EXCUSE ABSENT PLANNING BOARD MEMBER(S)**

Joey Dean made a motion *to excuse* both Llewellyn Ramsey and Curt Winbourne from tonight's meeting due to medical issues. Seconded by McCullough. Vote was unanimous, 4-0. Motion carried.

**APPROVAL OF September 10, 2019 MINUTES**

Mark Ferrell made a motion *to approve* the September 10, 2019 Minutes. Seconded by Doug. Vote was unanimous, 4-0. Motion carried.

**Second Phase Review of Major Site Plan for MSP-18-4 Crystal View Condominiums (109 Knollwood)**

Staff presentation of major site plan proposing the addition of a third condominium building

Issue	Reference	Notes
Applicability	§18.3.4.C.1.	<ul style="list-style-type: none"><li>• "Development in the MHI district shall take place only in accordance with the standards in this table and other relevant standards in this ordinance."</li><li>• Project is designed to comply with MHI district and other relevant standards.</li></ul>
Lot Size	§18.3.4.C.2.	<ul style="list-style-type: none"><li>• Minimum lot area per multi-family unit = 2,000 square feet</li><li>• 30 residential units proposed for the 106,000.53sf tract = 3,533sf per unit</li><li>• Lot dimensions and configurations are compliant as proposed.</li></ul>
Density	§18.3.4.C.2.	<ul style="list-style-type: none"><li>• Multi-family developments have five or more dwelling units. This project proposes twelve condominium dwelling units, so it is multi-family.</li><li>• Maximum Residential Density in MHI- Per Multi-Family Unit (in developments with five or more units) = 21 units</li><li>• Proposed building will add 12 units to the existing 18 units. 30 residential units proposed for the 2.433 acre tract = 12.33 units per acre.</li><li>• Density is compliant as proposed.</li></ul>
Impervious Surface Coverage	§18.3.4.C.2.	<ul style="list-style-type: none"><li>• Maximum impervious surface coverage is 40%, except for developments subject to a state stormwater permit.</li><li>• Stormwater Management Permit No. SW8 050402 allows for a maximum built-upon area (BUA) of 38,432sf (36.23%) for the entire complex.</li><li>• Plans show a total impervious area of 29,263sf (27.6%).</li><li>• Impervious surface coverage is compliant per NCDEQ permitting.</li></ul>
Setbacks	§18.3.4.C.2. §18.10.2.D.1.c.ii.	<ul style="list-style-type: none"><li>• Street setback applied to the street upon which the development is addressed (18.10.2.D.1.c.ii) – 25ft street setback adjacent to Pelican Drive, no setback doubling – bordering MHI district</li><li>• Setback doubling required at northern edges (bordering on RSW &amp; RSM zoning district) – 20ft sides</li><li>• No setback doubling along east, south, and west edges that border MHI district – 10ft side and 20ft rear</li><li>• Minimum spacing between buildings in the same development = 15ft</li><li>• Setback/spacing is compliant as proposed.</li></ul>

Issue	Reference	Notes
Building Height	§18.3.4.C.2.	<ul style="list-style-type: none"> <li>Maximum building height = 55 feet</li> <li>Preliminary north elevation of the proposed building show height at 42.5ft</li> <li>No additional building elevations have been provided.</li> <li>Grading plan shows the natural grade as 6ft MSL with a proposed elevation of the top of bottom floor at 10.5ft. This adds 4.5ft to the elevation of the structure, for a total height of 47.5ft.</li> <li>Building height appears to meet requirements as proposed. This will be confirmed at the point that building permit applications are submitted.</li> </ul>
Open Space	§18.4.7.A.1.c.	<ul style="list-style-type: none"> <li>Open space required for entire development at 200sf per unit</li> <li>30 total dwelling units = 6000sf of open space</li> <li>At least 50% open space must be provided as "active"</li> <li>3005sf of open space is provided as active open space and at least 75% of that must be located in one contiguous area: <ul style="list-style-type: none"> <li>2717sf swimming pool (90% of active open space)</li> <li>288sf horseshoe pit (10% of active open space)</li> </ul> </li> <li>3000sf of open space is proposed as passive – grassy field over septic area</li> <li>Open space is compliant as proposed.</li> </ul>
Driveways	§18.5.2.D.	<ul style="list-style-type: none"> <li>Driveways shall be no less than 18 feet wide for two-way traffic. Proposed development shows 24 feet wide.</li> <li>No portion of any driveway leading from a public street shall be closer than 25 feet to the corner of any intersection measured from the edge of the right-of-way – driveway is approximately 100ft (Beachwood Drive) and 275ft (West Fort Macon Road) away from the nearest intersections</li> <li>No two driveways accessing a public street shall be located within 25 feet of each other measured along the right-of-way - Proposed driveway is approximately 75ft from the nearest driveway (111 Knollwood Drive)</li> <li>Driveway is compliant.</li> </ul>
Sidewalks	§18.5.2.F.	<ul style="list-style-type: none"> <li>Sidewalks are proposed along all three street frontages (Fort Macon Road, Knollwood Drive, and Pelican Drive)</li> <li>Sidewalks are to comply with design standards as determined by the Public Works Director.</li> <li>Sidewalks will be deemed compliant upon Public Works Director's review.</li> </ul>

Issue	Reference	Notes
Parking	§18.5.3.	<ul style="list-style-type: none"> <li>Parking is provided in garages under building and in on-site parking lot</li> <li>Twelve additional dwelling units require 18 parking spaces, but the entire development needs 45 spaces – plan proposes 69 provided spaces</li> <li>New parking areas include ten garage spaces, twelve 10'x20' standard spaces, one 8'x20' compact space, and one 8'x20' handicap space with 8'-wide adjacent access aisle.</li> <li>Parking lot drive aisle width is 22ft, which is sufficient for two-way traffic and minimum back-up maneuvering area.</li> <li>New on-site parking lot is permeable in accordance with state permit</li> <li>Parking is compliant as proposed.</li> </ul>
Landscaping	§18.5.4	<ul style="list-style-type: none"> <li>Perimeter buffer – Type A opaque buffer at least 10ft wide with: <ul style="list-style-type: none"> <li>4 canopy trees per 100ft spaced 25ft on center</li> <li>2 understory trees per 100ft spaced 50ft on center</li> <li>Shrubs every 6ft on center</li> <li>6ft tall opaque fence</li> </ul> </li> <li>Streetyard buffer – required along collector streets like Knollwood – three understory trees per 100ft of frontage where overhead utilities are present</li> <li>Parking lot shade trees – Required to have one canopy tree per 12 parking spaces such that no parking space is more than 60ft from the trunk – Provided by two canopy trees directly adjacent to parking lot and by canopy trees within perimeter buffer that are within ten feet of the parking lot.</li> <li>Parking lot perimeter landscaping – Evergreen shrubs at 3ft on center in single continuous row around parking lot</li> <li>Landscaping is compliant as proposed.</li> </ul>
Tree Preservation	§18.5.5.	<ul style="list-style-type: none"> <li>No trees are claimed for existing vegetation credit, so tree preservation standards do not apply to this project.</li> </ul>
Solid Waste Collection	§18.5.6 §15-21	<ul style="list-style-type: none"> <li>Existing dumpster on site proposed to be brought into compliance by screening the dumpster and placing it within setbacks.</li> <li>Dumpster is compliant as proposed.</li> </ul>
Screening	§18.5.6	<ul style="list-style-type: none"> <li>Dumpster is proposed to have compliant screening.</li> <li>Mechanical and electrical components of the building will be contained on the ground floor.</li> <li>Screening is compliant as proposed.</li> </ul>

Issue	Reference	Notes
Exterior Lighting	§18.5.8	<ul style="list-style-type: none"> <li>Lighting plan not required for lighted areas smaller than 10,000sf. Proposed area of illumination is only 7700sf.</li> <li>Per email from engineer, "The height of the light pole will be less than 15ft and will be shoe box style to reduce the light leaving the site. Any lighting mounted to the building will be cutoff wallpacs as allowed by the ordinance."</li> <li>Lighting is compliant as proposed</li> </ul>
Building Design	§18.5.9.	<ul style="list-style-type: none"> <li>Preliminary building elevations do not appear to comply with building design standards for articulation and fenestration.</li> <li>Building design may not meet requirements with current configuration. This will be addressed at the point that building permit applications are submitted for review.</li> </ul>
Signage	§18.5.10	<ul style="list-style-type: none"> <li>No signage is proposed for this development.</li> </ul>
Stormwater	§18.6.1	<ul style="list-style-type: none"> <li>State Stormwater Management Permit No. SW8 050402 provides stormwater management as required.</li> </ul>
Flood Damage Prevention	§18.6.3	<ul style="list-style-type: none"> <li>Entire property is within the Shaded X flood zone. No additional provisions required.</li> </ul>

## **Planning Board Discussion and Recommendation**

After some discussion, it was the consensus of the board to recommend to Council to approve the major site plan as proposed. McCullough made a motion *to recommend* to Council to approve the third building of Crystal View as proposed. Seconded by Ferrell. Vote was unanimous, 4-0. Motion Carried.

### **ZTA-19-1 – Zoning Text Amendment request by Bill Downey/Channel Marker II (718 AB Causeway)**

Staff presentation of text amendment application to change the Commercial Corridor (COR) Minimum Lot Width from 60 feet to 50 feet.

Michelle noted the lots for this district were 50 feet until 2009 when the UDO was changed to reflect 60 foot lots. There is no information noted in the minutes that explain why this change was made.

### **Public Hearing**

Dean made a motion *to open* public hearing. Seconded by McCullough. Vote was unanimous, 4-0. Motion Carried.

Bill Downey-4604 Grammercy Court, Raleigh-Downey noted he was one of the partners that own the Channel Marker property. He would like to request to the Board approval of this proposed Zoning amendment to change the lot size in the Commercial Corridor from 60 feet to 50 feet so that he can take advantage of a state statute that would allow his septic system to be “grandfathered” which would allow his setbacks to be reduced by 50%.

Roger Crow-132 Edwards Drive Morehead City-Partial owner of Channel Marker property. Crow wanted to point out to the board that this property was originally platted as Sound View Isle with lots being 50 foot wide. The change in lot size to the current 60 feet was done back in 2009. He would like to request the board consider this change to allow the lots to be grandfathered by the state.

Susan Griffith-202 Nottingham Lane, Morehead City-One of the owners of the Channel Marker. Stated her husband purchased the property in 1981 and changed the Flemmings Restaurant over to the Channel Marker Restaurant. Appreciates the board considering this change and would hate to see this land become undevelopable.

Ron Cullipher-Engineer with Cullipher Group-151 A, NC 24 Morehead City, NC-Ron stated he has done a lot of work on the Causeway in AB and would like to speak in favor of changing the lot size in this district from 60 feet to 50 feet. He feels this change would bring flexibility to the district. He would also like the board to consider a side setback change to 5 feet.

McCullough made a motion *to close* the public hearing. Seconded by Ferrell. Vote was unanimous, 4-0. Motion was carried.

## **Planning Board Discussion and Recommendation**

Discussion by the board included questions about the intention of the lot size change back in 2009 as well the effects of the change on the entire district, not just the Causeway. Chamblee asked if amendment was denied would lots be undevelopable. McCullough noted he agreed with the applicants, giving the property owners more flexibility will benefit the town in the long run.

It was the consensus of the board *to recommend* this amendment to Section 18.3.5.D.2.D to reduce the Commercial Corridor zoning district minimum lot width from 60ft to 50ft as proposed by Bill Downey and Channel Marker II to Council, as it is reasonable, in the public interest, and consistent with our Land Use Plan; and to Direct staff to create the Consistency Statement based on discussion for the PB Chairman to sign this week.

McCullough made a motion to approve the amendment as amended by staff. Seconded by Ferrell. Vote was unanimous, 4-0. Motion was carried.

Ron Cullipher and Billy Sparkman were present for this portion of the meeting.

### **Review of Land Disturbance Text Amendment (remanded to Planning Board by Council at their September 23<sup>rd</sup> meeting)**

Staff presentation of text amendment - Additional provision regarding land disturbance permits for backfilling bulkheads

- a. No engineered plan is required if the project does not alter the pre-existing topography of the subject lot and does not include fill. A land disturbance permit with a non-engineered plan shall be approved provided that:
  - i. Land disturbance may not increase the amount or velocity of stormwater onto abutting lots.
  - ii. Activity requiring a land disturbance permit shall not cause sediment, trash, debris or other material to leave the site subject to the permit;
  - iii. Disturbed land shall be stabilized by vegetation, mulching, sodding, or other approved means no later than twenty-one (21) days after the land-disturbing activity takes place.
  - iv. Silt fencing or other approved soil erosion prevention device shall be installed along the perimeter of the project for the duration of the work.
- b. An engineered plan is required if the project alters the pre-existing topography of the subject lot and/or includes fill. A land disturbance permit with an engineered plan shall be approved provided that:
  - i. Land disturbance may not increase the amount or velocity of stormwater onto abutting lots in a two-year 24-hour precipitation event.
  - ii. The first two inches of stormwater generated from new impervious surfaces are retained on site in accordance with Section 18.6.1.
  - iii. Fill is shown as allowed only in the following instances: The plan shows that there is no fill above the average finished grade elevation of abutting lots except in the following instances:
    - 1. As required by onsite wastewater system permit issued by the County.
    - 2. As required by the NC Building Code necessary in order to drain surface water away from building foundations. The amount of fill shall be limited to the amount required to achieve positive drainage minimum standards stated in the NC Building Code.
    - 3. As necessary under driveways and walkways to connect a structure to the street.
    - 4. As necessary to provide a consistent grade between the above elements provided that no fill is placed within 5 feet of a property line except for shoreline stabilization within the first 5 feet from the landward edge of the shoreline stabilization device.
    - 5. As necessary for shoreline stabilization in accordance with state and federal regulatory and permitting requirements.

- iv. Stormwater runoff in excess of the retained two inches may leave the subject parcel provided that:
  - 1. The excess stormwater runoff does not increase the amount or velocity of stormwater onto abutting lots in a two-year 24-hour precipitation event.
  - 2. The excess stormwater runoff is not diverted into a piped conveyance towards the property line.
  - 3. The excess stormwater runoff is sheet-flowed through vegetated conveyances, such as swales.
  - 4. The sheet-flowed excess stormwater runoff flows into swales or other approved retention method within the Town-owned right-of-way, to be installed and maintained by the applicant.
- v. Activity requiring a land disturbance permit shall not cause sediment, trash, debris or other material to leave the site subject to the permit;
- vi. Disturbed land shall be stabilized by vegetation, mulching, sodding, or other approved means no later than twenty-one (21) days after the land-disturbing activity takes place.
- vii. Silt fencing or other approved soil erosion prevention device shall be installed along the perimeter of the project prior to beginning land disturbance and remain in place for the duration of the work land disturbance.
- viii. The plan is designed and sealed by a Professional Engineer licensed to practice in the State of North Carolina. Installation of the designed plan shall be inspected and approved by the designing engineer or other professional engineer licensed to practice in the State of North Carolina prior to issuance of a certificate of occupancy.

### **Public Hearing**

McCullough made a motion to open the public hearing. Seconded by Ferrell. Vote was unanimous, 4-0. Motion carried.

No comments.

Dean made a motion to close the public hearing. Seconded by Ferrell. Vote was unanimous, 4-0. Motion carried.

### **Planning Board Discussion and Recommendation**

Ferrell noted he was glad Michelle had spoken with other beach towns regarding how they handle the Land Disturbance issues.

After some discussion by the board about the rainfall table referenced in the recommended revised text amendment it was the consensus of the board to approve the amendment as proposed.

McCullough made a motion *to recommend* the amendments to Section 18.2.4.M.4.b as proposed by staff to Council, as it is reasonable, in the public interest, and consistent with our Land Use Plan and directed Michelle *to create* the Consistency Statement based on the discussion tonight and direct the Planning Board Chairman to sign it this week. Ferrell seconded. Vote was unanimous, 4-0. Motion Carried.

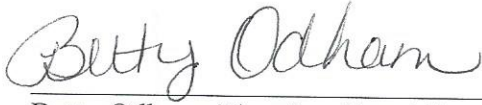
### **OTHER BUSINESS**

Michelle noted the Planning Board Meeting for December would be held on December 3<sup>rd</sup>.

### ADJOURNMENT

There being no further business, Chamblee adjourned the meeting. The time was 7:28pm.  
These minutes were approved at the December 3, 2019 Planning Board Meeting.

ATTEST:



Betty Odham, Planning Board Secretary

TOWN OF ATLANTIC BEACH



Neil Chamblee, Chairman