



**Minutes  
Town of Atlantic Beach  
Planning Board Meeting  
April 14, 2020**

**Planning Board Members  
Present**

Neil Chamblee  
Llewellyn Ramsey  
Mark Ferrell  
Doug McCullough  
Fred Dean  
Sharron Wilson  
Curt Winbourne

**Planning Board Members  
Absent**

**Staff Present**

Michelle Eitner, Planning Director  
Betty Odham, Planning Board Secretary  
Nick Krebs, Planner

**Others Present**

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)**

All Planning Board Members are present

**APPROVAL OF March 4, 2020 MINUTES**

Winbourne made a motion *to approve* the February 4th minutes. Seconded by Wilson. Vote was unanimous, 7-0. Motion carried.

**REVIEW OF MINOR MODIFICATION OF MAJOR SITE PLAN MSP-19-01MOD WINDFARE (FORMALLY CHANNEL BAY)**

**Staff Presentation**

Michelle presented the minor modification of the major site plan MSP-19-01MOD to the board. Requested changes included:

- Primary impetus for this change is ownership of the residential units:  
Condominium dwellings to townhouse ownership-This allows the buildings to be built based on residential building codes, rather than commercial codes, in addition to change in mortgage/funding
- Units 9A & 9B and 8A & 8B are turned slightly
- Playground changed shape and size to accommodate Unit 8A & 8B location change
- New bulkhead straightened out the shoreline a bit – changed CAMA Area of Environmental Concern buffer lines (no change required for existing CAMA Major Permit)
- Reduced impervious surface and pervious surface coverages

**Planning Board Recommendation**

After some discussion, it was the consensus of the Planning Board *to recommend* approval of the proposed minor modifications to the Windfare major site plan to Council. Motion made by Ramsey. Seconded by Winbourne. Vote was unanimous, 7-0. Motion Carried.

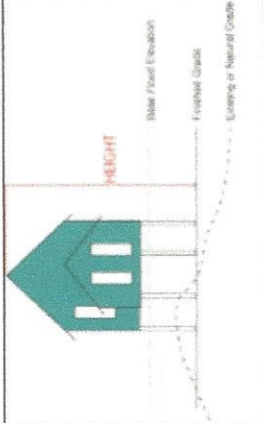
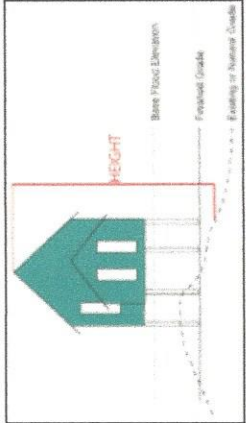
**UDO Amendments**

**There are five different amendments to be considered tonight. Presented separately.**

**Amendment 1-Section 18.10.2 J-Change in Grade Determination Figure (remanded by Council**

**Staff Presentation**

Michelle presented the change in determination grade figure to the board (diagram included below). This amendment has come before the board before. The Planning Board recommended it changed in accordance with another amendment that was considered, but Council denied adoption of both of those amendments and remanded this one back to PB to be considered as it was originally proposed.

#	UDO Section	Description	Current Language	Proposed Language
3	Figure 18.10.2.J	The section regarding measurement of height states and shows that height of a structure is measured from natural grade (existing prior to development) to the peak of the roof. The section for determining grade shows a diagram that is contrary to this requirement. When there's conflict like this, the section controlling the standard applies – height is correct. This ordinance revision corrects the figure in the grade determination section for continuity.		

### Public Hearing

Ramsey made a motion *to open* Public Hearing. Seconded, by Ferrell. Vote was unanimous 7-0. Motion Carried.

No Comments

Wilson made a motion *to close* Public Hearing. Seconded by Dean. Vote was unanimous 7-0. Motion Carried.

### Planning Board Discussion and Recommendation

After some discussion Ferrell made a motion to recommend adoption for the proposed grade determination figure Amendment as presented tonight to Council, as they are reasonable, in the public interest and consistent with our Land Use Plan. Seconded by McCoullough. Motion Carried.

**Amendment 2 SECTION 18.6.3 and SECTION 18.10.5-One-year cumulative provision in substantial damage and substantial improvement designations within the flood plain development ordinance.**

### Staff Presentation

Michelle presented the details on the amendment above. We were recently made aware of the 2019 updates to the state's model flood damage prevention ordinance for coastal communities. The NFIP requires that any structure with repair or improvement costs above 50% of the structure's value must come into compliance with the current standards for new construction. This ordinance restates that requirement, but also contains a provision that project costs are cumulative for a one-year period. This new one-year cumulative requirement is now a mandatory minimum. The one-year period begins on the date that construction begins. There are certain cases in which project costs do not count toward the threshold (for example, correcting a public health or safety issue). In addition to this ordinance, we are updating the definition of substantial improvement to reflect the one-year provision. We also added the state's definition for substantial damage, which is a term used throughout our ordinance. This is something that we have struggled to monitor and enforce in the past. Sometimes contractors will "phase" repair work in order to avoid the floodplain requirements. More restrictive measures (such as a 5- or 10-year cumulative provision) could help lower flood insurance rates for AB residents, but one year is now the minimum required.

### **Public Hearing**

Ferrell made a motion *to open* Public Hearing. Seconded, by Ramsey. Vote was unanimous 7-0. Motion Carried.

Wallie Courie-400 Money Island Drive, AB-Wanted to take a minute to thank staff for making the meeting available to the public via Zoom.

Winbourne made a motion *to close* Public Hearing. Seconded by Ferrell. Vote was unanimous 7-0. Motion Carried.

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

After some discussion Wilson made a motion *to recommend* adoption of the proposed Flood Damage Prevention ordinance and definitions amendments as presents in tonight's agenda packet to Council, as they are reasonable, in the public interest and consistent with our Land Use Plan. Seconded by Winbourne. Vote was unanimous 7-0. Motion Carried.

### **Amendment 3-Section 18.5.9.B.2-One-year cumulative provision in Design Standards applicability**

#### **Staff Presentation**

Michelle presented the information to the board. The language mirrors the language of the flood damage prevention ordinance that was just reviewed. Any combination of repair, reconstruction, rehabilitation, addition or improvement of an existing commercial, office, institutional, or multi-family structure taking place during a one (1) year period, the cumulative cost of which equals or exceeds 50 percent of the structure value as listed in the Carteret County tax records before the improvement or repair is started. For each building or structure, the one (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. For purposes of this specific provision 18.5.9.B.2. only, multi-family structures with four or fewer dwelling units are exempted.

### **Public Hearing**

Ramsey made a motion *to open* Public Hearing. Seconded, by Ferrell. Vote was unanimous 7-0. Motion Carried.

No Comments

McCullough made a motion *to close* Public Hearing. Seconded by Ramsey. Vote was unanimous 7-0. Motion Carried.

### **Planning Board Recommendation**

PB decided *to recommend* adoption of the proposed one-year cumulative design standards applicability amendment as presented in tonight's agenda packet to Council, as they are reasonable, in the public interest and consistent with our Land Use Plan. Motion made by McCullough. Seconded by Dean. Vote was unanimous 7-0. Motion Carried.

### **Amendment 4-18.6.1-Landscape Architects as designers for Stormwater Management Plans.**

#### **Staff Presentation**

This amendment and the next one come from a recommendation of the North Carolina Board of Landscape Architects to allow Professional Landscape Architects to design and certify the same stormwater and land disturbance plans that we currently only allow from Professional Engineers. This amendment specifically changes the ordinance to allow Landscape Architects to design, certify, and approve implantation of stormwater management plans as well as Professional Engineers.

### **Public Hearing**

Ramsey made a motion *to open* Public Hearing. Seconded, by Wilson. Vote was unanimous 7-0. Motion Carried.

Susan Hatchell-206 Caswell Street, Atlantic Beach, NC-Susan stated she was glad the Town was updated their ordinances to come into compliance with state law.

Wallie Courie-400 Money Island Drive, Atlantic Beach, NC-Wallie stated this was a good change, sad it was after the Board of Adjustment evidence was suppressed. Doesn't like that planners have to rely on engineers only.

Ferrell made a motion *to close* Public Hearing. Seconded by Ferrell. Vote was unanimous 7-0. Motion Carried.

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

After some discussion regarding the continuing education requirements for Landscape Architects, Wilson made a motion *to recommend* adoption of the proposed amendments to allow Landscape Architects as designers for stormwater management plans as presented in tonight's agenda packet to Council as they are reasonable, in the public interest and consistent with the Land Use Plan. Seconded by Ferrell. Vote was unanimous 7-0. Motion Carried.

#### **Amendment 5: 18.2.4. M.4.b-Landscape Architects as designers for Land Disturbance Plans**

##### **Staff Presentation**

This final amendment was also proposed by the North Carolina Board of Landscape Architects to allow Professional Landscape Architects to design, certify and approve implementation of land disturbance plans as well as Professional Engineers.

##### **Public Hearing**

Ramsey made a motion *to open* Public Hearing. Seconded, by Dean. Vote was unanimous 7-0. Motion Carried.

Susan Hatchell-206 Caswell Street-Thanks to the Planning Board for taking the motion to resolve this issue.

Ferrell made a motion *to close* Public Hearing. Seconded by Wilson. Vote was unanimous 7-0. Motion Carried.

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

After some discussion, Wilson made a motion *to recommend* adoption of the proposed amendments to allow Landscape Architects as designers for land disturbance plans as presented in tonight's agenda packet to Council, as they are reasonable, in the public interest and consistent with our Land Use Plan. Seconded by Wilson. Vote was unanimous. Motion Carried.

#### **OTHER BUSINESS**

Land Use Plan Update-Public Engagement portion has been completed. Next steps are the Staff review draft and the Public Review Draft.

Nick Krebbs will be leaving us and will be working with FEMA. He will not be at the next PB meeting.

#### **ADJOURNMENT**

There being no further business Chairman Chamblee adjourned the meeting. The time was 7:02pm.

These minutes were approved at the September 2020 Planning Board meeting.

ATTEST:

  
Betty Odham, Planning Board Secretary

TOWN OF ATLANTIC BEACH

  
Neil Chamblee, Chairman

**\*\*Secretary's Note:** Due to lack of agenda items, the May, June, July and August Planning Board Meetings were cancelled.