



**MINUTES**  
**Town of Atlantic Beach, North Carolina**  
**Town Council and Planning Board Joint Meeting**  
**125 W Fort Macon Road and**  
**Electronically via Zoom**  
**Tuesday, April 5, 2022**



The special meeting of the Atlantic Beach Town Council and Planning Board was held Tuesday, April 5, 2022 at 6:00 p.m. in the Council Meeting Room, 125 West Fort Macon Road, Atlantic Beach, North Carolina.

**Council Members Present:** Mayor A. B. Cooper, III; Mayor Pro Tem Austin Waters; Councilmembers: Renea Baker, Joey Dean, Danny Navey, Joseph Starling

**Planning Board Members Present:** Vice Chair Curt Winbourne; Phillip Hursey, David Johnson, Phil Jones, Llewellyn Ramsey, Sharron Wilson

**Others Present:** David Walker, Town Manager; Katrina Tyer, Town Clerk; Michelle Eitner, Planning Director; Elisabeth Webster, Planner; Betty Odham, Planning Secretary

Katrina, Town Clerk, administered oaths of office to Phillip Hursey, David Johnson and Phil Jones prior to the meeting.

**CALL TO ORDER**

Mayor Cooper called the meeting to order at 6:00 p.m. and introduced the new members thanking them for their willingness to serve.

**APPROVAL OF AGENDA**

Councilmember Navey made a motion *to approve* the agenda as prepared. Seconded by Councilmember Baker. Vote was unanimous, 5-0. Motion carried.

**EXCUSE ABSENT BOARDMEMBER(S) AND/OR COUNCILMEMBER(S) IF NECESSARY**

Ramsey made a motion *to excuse* Neil Chamblee due to a medial appointment. Seconded by Wilson. Vote was unanimous, 6-0. Motion carried.

Mayor Cooper reviewed the procedures for approving major site plans and the joint meeting concept to receive public input.

**TOWN COUNCIL & PLANNING BOARD - MSP-22-2 108 West Terminal Boulevard Quadraplex**

Council and Planning Board will review a major site plan development proposal to build a townhouse-style quadraplex with decks, driveways, septic systems, stormwater retention systems, sidewalks, landscaping and associated grading within the Commercial Circle District (CDD).

**Staff Presentation**

The plan proposes construction of a townhouse-style quadraplex with decks, driveways, septic systems, stormwater retention systems, sidewalk, landscaping, and associated grading at 108 West Terminal Boulevard. The plan proposes four units constructed side by side townhouse style, which falls under the residential building code. The design provides for the septic system in the back, decks and parking in the front and some off-street parking. The street setback from West Terminal Blvd is a minimum 10 foot and maximum 25, the side setback is zero, and the rear setback abutting the alley is five feet. This project meets the setback requirements.

The application was submitted on March 7, 2022, reviewed by the Technical Review Committee on March 22, 2022, and public notification by sign posted on the property on March 15, letters mailed on March 16 and published in the Carteret News Times on March 20.

Initial site plans showed a lack of sidewalks and street trees as well as a structure that did not meet Floor Area Ratio requirements, which is a measure of massing and density that is imposed only in the Commercial Circle zoning district. These issues were discussed at the Technical Review Committee meeting and the applicant subsequently provided updated plans to resolve these issues. With resolution of all issues found at TRC, staff recommends this concept proposal for approval.

Councilmember Starling asked how the properties would be deeded separately. It is five pieces of property, four units and a common area. The purchaser is purchasing the structure and the land under it.

Wilson asked for confirmation on the location of the parking spaces and the garage location. Michelle confirmed they were exceeding the requirement of 1.5 spaces. She also confirmed each unit has a garage and an outside space.

### **Public Hearing**

Opened Public Hearing at 6:14pm

Ron Cullipher, Engineer, on behalf of applicant. He requests approval to move forward. He will provide the additional required details at the next phase.

Matt Vinson, 110 West Terminal Blvd., He asked whether this is a quadraplex or a townhouse in disguise. He provided the definitions of a quadraplex and a townhouse from the UDO. A townhouse is single-family dwelling located on its own lot. Seems to him this is a townhouse under the definition of 18.4.1.g. and townhouses are not permitted in the Circle District. He also has concerns on the septic system since they are proposing a system that is typically used for a 3 bedroom, this is a 4 bedroom. Also, the foundation when there is already flooding on South Kinston Avenue and West Terminal Blvd. Concerned about preservation, there were trees, and the rules state you cannot clear cut during or prior to development. The plan appears to constitute clear cutting, and there needs to be a plan to preserve trees. If they are trying to be treated as a residential property, typically there is a five-foot side setback. It seems they want to be treated as a commercial property with residential benefits. One of the CDD requirements is the facade has to be parallel to the street, and it is not. He would like to submit a written statement of his concerns for the board to review.

Closed Public Hearing at 6:19pm

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

Mayor Cooper asked Michelle to address some of the concerns brought up by Mr. Vinson. First, her explanation of the definition of a quadraplex versus a townhouse and why this project is permitted in the CDD. The difference is the building code that it is based on and what the actual ownership of the unit is. Her understanding is the quadraplex was based on how many units in the structure and then we can identify the building code it follows. Mr. Vinson read the definitions from the UDO in the classification section. Townhouses are identified separately from quadraplex, etc. and they are different in the Use Table. The UDO does not identify structure requirements. She was interrupting it as a quadraplex.

Mayor Cooper asked if there was something in our definitions of a quadraplex that prohibit townhouse style ownership, something prohibiting the owner of a quadraplex from owning the underlining real estate. Michelle confirmed townhouses are not permitted in the CDD and a quadraplex is defined as a single structure comprise as four single dwelling units that share common vertical walls and floors/ceiling located on a single lot - dwelling units may be sold separate from the land they are located on. The application states this will be sold as five lots, four units and underling land and the common area.

Starling stated if you do not have a townhouse designation, you are a commercial property and have to meet fire suppression codes.

Mayor Cooper asked Cullipher to address the septic concerns. The system has already been permitted by the County for eight bedrooms. Regarding stormwater, this is subject to the UDO, the stormwater retention plans will be addressed in phase two. Michelle was asked to address the tree ordinance, the applicant cannot clear cut the property. This phase does not require a protected tree survey, but there is the opportunity for the applicant to receive credit for landscaping if trees are removed and replanted. The orientation of the façade on the street, it appears to be parallel to street to her. Cullipher noted it was half a foot off. The ordinance reads generally parallel, generally parallel is not defined, so she has to decide.

A lot of the concerns mentioned tonight will be addressed in the phase two review. It is obvious there is an issue with the definition of a quadraplex. After discussion, it was determined the definition of quadraplex needs to be reviewed and possibly amended to fix the issue of the land attached.

Councilmember Baker asked Cullipher to confirm the intent of the project. He stated to sell the land under the unit. Like a townhouse, which is not allowed under the ordinance. Mayor Cooper stated the plan before us clearly reads it is a quadraplex unit, which is consistent with the UDO.

With no other questions from the Council or Planning Board, Mayor Cooper explained to the board the options are to reject the project and it goes back to the TRC to address any technical inconsistencies; if we determine it meets the UDO requirements, approve the project as presented; or if there are some items we want addressed, we can approve it with some advisory conditions. One he would like to see applied is that an architect be hired to design an aesthetically pleasing project.

Councilmember Navey addressed parking and that 1.5 spaces are not enough, especially if it is rented out. The nineteen feet design for the garage is not big enough for a pickup truck.

Mayor Cooper stated as long as we are reviewing this as a quadraplex, it is consistent with the UDO. Councilmember Navey made a motion *to approve* the Phase I Site Plan with two advisory opinions: that the builders retain an architect to help design a building that will be aesthetically pleasing to those outside of the building and to make a larger garage. Seconded by Mayor Pro Tem Waters. Vote was unanimous, 5-0. Motion carried.

**MAYOR/COUNCIL/PLANNING BOARD COMMENTS**

None.

**DISMISSAL OF COUNCIL MEMBERS**

Recess at 7:04pm – Mayor Cooper stayed in the audience, all Councilmembers left the room.

Resume 7:08pm as a Planning Board meeting only. Planning Board meeting minutes are filed with the Planning Board minutes.

**ADJOURN**

There being no further action taken or business before the Board the Council portion of the meeting stood adjourned. The time was 7:04pm.

These minutes were approved at the June 27, 2022 meeting of the Atlantic Beach Town Council.

TOWN OF ATLANTIC BEACH

ATTEST:

(seal)  
  
Katrija Tyer - Town Clerk



  
A. B. Cooper, III - Mayor