



**Minutes
Town of Atlantic Beach
Planning Board Meeting
December 4, 2018**

**Planning Board Members
Present**

Llewellyn Ramsey
Lynne Brown
Fred Joey Dean
Doug McCullough
Curt Winbourne

**Planning Board Members
Absent**

Neil Chamblee

Staff Present

Michelle Shreve, Planning Director
Katrina Tyer, Town Clerk
Nick Krebs, Planner

Others Present

Mike Shutak, Carteret County News Times
Ron Cullipher, Engineer
Fred Bunn, Developer

CALL TO ORDER

Llewellyn Ramsey is serving as chair and called the meeting to order at 6:00pm.

EXCUSE ABSENT PLANNING BOARD MEMBER(S)

Winbourne made a motion *to excuse* Chamblee from tonight's meeting. Seconded by Dean. Vote was unanimous, 5-0. Motion carried.

APPROVAL OF NOVEMBER 13, 2018 MINUTES

Dean made a motion *to approve* the November 13, 2018 Minutes. Seconded by Browne. Vote was unanimous, 5-0. Motion carried.

ZMA-18-01 104 CEDAR LANE REZONING

Jack Askew of the Carteret County ABC Commission has requested a zoning map amendment for 104 Cedar Lane from Residential Single-family Duplex (RSD) to Mixed-use High Intensity (MHI). Michelle reminded the board the Land Use Plan instructs the board to consider the following with rezoning petitions:

- Consider the policies and implementing actions of this plan and all applicable CAMA regulations in their decisions regarding land use and development (including 15A NCAC 7H).
- All uses that are allowed in a zoning district must be considered. A decision cannot be based on consideration of only one use or a partial list of the uses allowed within a zoning district.
- Zoning decisions will not be based on aesthetic considerations.
- Requests for zoning changes will not be approved if the requested change will result in spot zoning. Spot zoning is a form of discriminatory zoning whose sole purpose is to serve the private interests of one of more landowners instead of furthering the welfare of the entire community as part of an overall zoning plan. Spot zoning is based on the arbitrary and inappropriate nature of a re-zoning change rather than on the size of the area being re-zoned.
- Zoning which will result in strip development should be discouraged. Strip development is a melange of development, usually commercial, extending along both sides of a major street. Strip development is often a mixture of auto-oriented enterprises (e.g., gas stations, motels, and food stands), and truck-dependent wholesale and light industrial enterprises along with the once-rural homes and farms that await conversion to commercial use. Strip development may severely reduce traffic-carrying capacity of abutting streets by allowing for excessive and conflicting curb cuts.
- The concept of uniformity should be supported in all zoning deliberations. Uniformity is a basic premise of zoning which holds that all land in similar circumstances should be zoned alike; any different circumstances should be carefully balanced with a demonstrated need for such different treatment. Properly designed mixed use development is not considered to be at variance with the concept of uniformity.
- Zoning regulations should be made in accordance with the Atlantic Beach Land Use Plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land in Atlantic Beach's planning jurisdiction.

Public Hearing

Winbourne made a motion *to open* the public hearing. Seconded by Dean. Vote was unanimous, 5-0. Motion carried. The time was 6:21pm.

Jack Askew. The ABC Store has been looking at this property since the store was built in 2006. Enlarging the parking lot would benefit traffic issues, deliveries, etc. The plan is to make the entire lot parking, resulting in removing all the trees.

Vada Palma, 116 Island Quay Court. She disagrees with rezoning this lot, there are already a lot of businesses in this area. Atlantic Beach already has enough commercial property. It is already a hard traffic area and this will make traffic, visibility and noise worse. The century oaks on the property are valuable and should not be removed.

McCullough made a motion *to close* the public hearing. Seconded by Winbourne. Vote was unanimous, 5-0. Motion carried. The time was 6:31pm.

Planning Board Discussion and Recommendation

McCullough feels the same number of cars will use the parking lot, they will just be less congested. He does not feel this will destroy the tranquility of the neighborhood considering there are already adjacent businesses. Winbourne and Brown do not feel it will add more traffic, just make the current parking and ingress and egress from Fort Macon Road safer.

There was discussion about putting conditions on the property to save the oak trees Vada Palma mentioned. Michelle stated this could not be allowed because we do not allow conditional zoning.

McCullough made a motion *to approve* the Statement of Consistency and recommend the Rezoning of 104 Cedar Lane to Council. Seconded by Ramsey. Vote was unanimous, 5-0. Motion carried.

Brown made a motion *to allow* Chair Llewellyn Ramsey to sign the Statement of Consistency as amended. Seconded by Winbourne. Vote was unanimous, 5-0. Motion carried.

REVIEW OF UDO AMENDMENTS

Michelle introduced zoning amendments suggestions for the board to consider and provide comment. She will bring before the board for public hearing at a later date.

- Land disturbance review standard: Wants to ensure owners can raise their lots but do it responsibly. Consider requiring silt fencing or other approved soil erosion prevention device to be placed along the perimeter of the project for the duration of the work; require a standard to require a professional engineer certificate.
- Mechanical unit encroachment: This item is still up for recommendations and suggestions. There can be a separate setback for mechanical and electrical.
- Street setbacks: Fixed numeric standard for street setbacks; Differentiation of lot sizes within zoning districts; Sub-zones, like for height requirements in the Circle; Consider Ocean Ridge Drive oceanfront lots having a different setback because the soundside lots are smaller.
- Appearance Improvement Committee recommendations: Property maintenance standards; Garbage & recycling container rules; Landscaping standards; Business signage rule improvements; Parking in residential districts; Encourage low speed vehicles & golf carts
- Use Type "Parks and Open Spaces" as permitted in RSC: Such as a dock or pier on a vacant lot. Allow to establish a docks or piers without the primary structure and without the commitment to build a primary structure.

OTHER BUSINESS

None.

ADJOURNMENT

There being no further business Chairman Ramsey adjourned the meeting. The time was 7:24pm.


These minutes were approved at the January 2019 Planning Board meeting.

ATTEST:


Katrina Tyer, Town Clerk



TOWN OF ATLANTIC BEACH


Llewellyn Ramsey – Vice Chair