

Investigate-Research-Develop-Recommend
(North Carolina General Statute 160A-387)

Sunset Beach Planning Board-Town of Sunset Beach
Minutes From November 5, 2009
Public Hearing and Regular Meeting

Members Present

Bill McDonald-Chairman
Gene Allen
Eddie Walters
Leon August
Al Siebert
Sybil Kesterson

Members Absent

Bob Perry-Vice Chairman

Staff

Jeff Curtis
Randy Walters-
Acting Secretary

1. Call to Order-9:00 am
2. Roll Call-Quorum Present
3. Agenda Comments-Jeff informed the board of an agenda addition for David Wilkes of Dock Street Communities. David will be presenting a preliminary idea for the Mixed Use District. David was not present at the start of the meeting. Jeff said he will allow him to speak as soon as he arrives. Jeff added that the proposal to rezone the golf courses would go before the council at their December meeting.
4. Approval of Minutes-from September 17, 2009: Corrections to be made were to add Al Siebert who was present at the meeting and was inadvertently omitted from "Members Present". Also, it was mentioned that there was no vote recorded in the minutes for election of the Vice Chairman. It was found that after listening to the recorded tape, the actual minutes reflect what transpired.
Approval of Minutes-from October 1, 2009: **Eddie moved to approve the minutes. Seconded by Gene. Motion carried unanimously.**
5. Building and Zoning Administrator Report-None
6. Public Hearing Topics
 - a. Delete section 151.394; Uses Not Permissible in a Mixed Use District

The chairman opened the public hearing for comment, no comments made, the public hearing was closed for Board discussion. No discussion was held. The vote was as follows: **Bill entertained the motion to delete the section. Eddie moved to approve as this proposal is in keeping with our Land Use Plan in that it will keep our Zoning Ordinance consistent throughout and help avoid confusion when using the ordinance to help manage growth and development. Seconded by Al. Motion carried unanimously.**

At this time David Wilkes was present. Jeff asked him to make his presentation. David said the Dock Street Community project was started in 2006. He said of the 55 townhomes standing, all but 6 are sold. David's proposal is for the back portion of the development, facing the lake.

His proposal is to use the existing 28 undeveloped lots that would be for townhomes and turn them into 19 single family lots. David handed out an artists rendering (attached to the minutes), of what the lot/home packages would look like; he described the look to be of a low country home, and thought the reduced density would have a good chance for the sale of the properties.

David asked the Board for input, and wanted to make sure this would be something the Board would accept before proceeding with the cost of plans.

Short question and answer session as follows:

Eddie: would this still remain as Dock Street?

David: yes. The 28 townhomes would be reduced to 19 single family residential lots.

Leon: what is the size of the homes?

David: 1700 to 2400 square feet depending on the model of the home. There would also be an option to turn the upstairs of the garage into a bonus room or Mother in Law Suite.

David said there is already approval for this new project by the Architectural Review Board. Jeff added should they proceed with the plans he would have to also go through the Town's Technical Review Committee and Subdivision Approval process.

The overall consensus of the Board was this would be a "remarkable positive change".

No action needed at this time.

7. Old Business

a. Consider Amending Section 151.055; Non-Conforming Uses and Buildings. A Request for Consideration from the Town Council.

Jeff explained this was in response to the proposal sent to the council for the through lot situation in the BB-1 district. In the last council meeting they denied the proposed amendment. They sent it back to the Board with instructions to consider amending the non-conforming use ordinance. All the relevant sections for consideration are attached along with the minutes from that council meeting, for the Board to reference.

Sybil questioned what a sufficient period of time for recovery would be. Jeff answered that is for the Board to decide and make a recommendation. He added that for flood with a non conforming structure, you could raise the 50% standard, but, it could not be lowered.

Visitor Mark Kaplan interjected that the new storage structure they built has to be recorded with a depreciated value for 39 years.

Jeff said how do you determine the useful life of a building? It's not real clear cut.

Eddie thought if we were going to address something like this, to try to change zoning across the board to allow for non-conforming uses for a period of time, like 20 to 40 years. There is no way we could do it. Eddie addressed Mark Kaplan to say the unfortunate situation of your building has brought all this to focus. It's made us recognize that any structure on any street that has a 5' setback is not a good idea, especially when it's made across the board.

Mark said his building is clear cut, but, The Continental is another story, where each unit is individually owned. If the building was damaged some could rebuild and some couldn't?

Jeff responded that in a situation like The Continental, and there was over 50% damage to the building, then the ground floor would be eliminated per FEMA regulations, and any new building would need to

be at elevated and built to current codes.

More discussion ensued on the subject.

Al said this is a hardship for a particular property owner. Why don't we pass uniform zoning? The hardship should be brought to the board of adjustment to be handled.

Eddie agreed this would be a hardship that is not caused by a property owners own actions.

Al asked what the Town Attorney had to say about the subject. Jeff said he would have to get some direction from him. Jeff further said what is at hand right now is whether the Planning Board wants to consider a change to the non-conforming ordinance. After that, we can look at other avenues. Jeff and Eddie were both in agreement that changing the non-conforming ordinance would not be good zoning.

Eddie made a motion to say that we do not change the zoning and how we address non-conforming uses period. Seconded by Leon. Motion carried unanimously.

8. New Business

- a. Consideration of a Proposed Rezoning of the Last Area in the Town's Juristic diction Zoned AF-1 to MR-1.

Jeff informed the Board that this is the last area in the town zoned AF-1. It is surrounded by the MR-1 zoning district. The AF-1 area has approximately 23 parcels and is +/- 35 acres. Eventually we could delete the AF-1 zoning district all together as it does not fit in with our current uses.

The Chairman asked for a motion. Motion was made by Al given the trends of development in our area the AF-1 district doesn't seem to fit in well with current or future land uses for our jurisdiction. In addition the Town would like to preserve as many of the existing trees in our area instead of providing an area to harvest trees. Seconded by Gene. Motion carried unanimously.

9. Visitor Comments-None

10. Adjournment-Meeting adjourned at 9:55 am. **Motion made by Leon. Seconded by Eddie. Motion carried unanimously.**

Bill McDonald-Chairman

Randy Walters-Acting Secretary

*Cindy Nelson-Regular Secretary-Minute
Writer*