



Town of Sunset Beach
Planning Board Meeting

Meeting Minutes of August 4, 2016

Members Present: Chairperson Tom Vincenz, Greg Jensen, Len Steiner, Bob Tone

Members Absent: Noelle Kehrberg

Staff Present: Richard Hathcock, GIS Planner; Cindy Nelson, Planning Board Secretary;
Susan Parker; Town Administrator.

Chairperson Vincenz called the meeting to order and established that a quorum was present.

Amend or Approve Agenda: Chairperson Vincenz made a recommendation to move Agenda Item 8A under New Business as the first item for consideration before Old Business. Approval to move the agenda item made by Greg Jenson and Len Steiner.

The Pledge of Allegiance was recited by all in attendance.

Postponement or Withdrawal Requests: None

Public Comments: None

Consideration of Approval of Minutes: None

Site Plan Approval for Kingfish Bay Amenity Center; Private Community Center in the BB-1 Zoning District.

Alan Lewis; East Coast Engineering and Project Engineer for the proposed project. Mr. Lewis stated that he worked closely with Town Staff to make sure design and site plan was in line with Town Regulations.

Chairperson Vincenz asked Mr. Lewis if the material being used for the parking area was considered impervious.

Mr. Lewis responded that the Town adopted the Brunswick County Stormwater Ordinance, which is in conflict with the Town regulation. He continued that they will be using Clean Washed #57 Stone. Clean Washed allows water to pass through into the ground more easily. In addition, the approved State House Bill 634 of July 2015; designated that #57 Stone was permitted as long as there was a 4 inch layer of stone with a geo technical underlayment. Our design for this project will increase and exceed the standard by installing a 5” to 7” layer of stone. All the stormwater will be contained on site with no runoff onto adjacent properties.

Chairperson Vincenz asked the Board to consider another engineer design or require another type of material. The Board’s consensus was in agreement with the proposal as presented by Mr. Alan Lewis.

Wes MacLeod suggested that Mr. Lewis make a clarification on the site plan that the material being used was not gravel as is currently listed, but, #57 Stone. He further stated that the landscape design also meets Town standard.

CHAIRPERSON VINCENZ ASKED FOR A MOTION TO APPROVE THE SITE PLAN AS SUBMITTED. LEN STEINER MOVED THE MOTION TO APPROVE THE SITE DEVELOPMENT PLAN FOR THE AMENITY CENTER FOR KINGFISH BAY. SECOND WAS MADE BY GREG JENSEN. MOTION WAS CARRIED UNANIMOUSLY.

Old Business

a. TA-15-13: Amend Article 2, General Regulations in the UDO to Provide Development Standards for the Use of Fill on Lots, with Attachment A.

Wes Macleod said he cleaned up the language and clarified that “fill up to 4 inches is allowed up to the crown of the road.” After some discussion, Wes guided the Board to recommend conditional approval with breaking out “movement of sand” to a separate line. He asked the Board to include the Consistency Statement #A in the vote for approval.

CHAIRPERSON VINCENZ ASKED FOR A MOTION TO APPROVE WITH THE “MOVEMENT OF SAND”. MOTION MOVED BY GREG JENSEN WITH A SECOND MADE BY LEN STEINER. MOTION CARRIED UNANIMOUSLY.

b. TA-16-02: Amend Article 6, Zoning Districts; Zoning District Development Standards for the Gateway Corridor Overlay District.

Discussion of changes as follows with the presentation overseen by Wes Macleod:

I.3.e: Change small building of 5,000 square feet or less at 50%, large building above 5,000 square feet or more at 25%. Chairperson Vincenz made his suggestions for how to handle the percentages. We agreed to make the changes.

Lighting: After some discussion, We offered to get a quote from the electric company for lighting costs and for various types of light poles.

c. Discussion Item: TA-Amend Article 6, Zoning Districts, and Article 7, Supplemental Regulations, in the UDO to allow for Swimming Pools in the CR-1 Zoning District as a Permitted Use with Supplemental Regulations (PS). Discussion Item Only, No Attachment.

Changes to the UDO are not needed, the Town can issue permits per current UDO regulations.

At this time Item C under New Business was put on for discussion before the review of the CAMA Land Use Plan.

New Business Agenda Item c. TA-16-11: Amend Article 6, Zoning District to allow “Privacy Fences (subdivisions)” as a Permitted Use in the BR-2 Zoning District.

Text Amendment is to allow Privacy Fences as a permitted use for Subdivisions in the BR-2 zoning district. Chairperson Vincenz clarified that this is not meant for single family residences. We confirmed that is the case.

We introduced the applicant Elliot Harwell. Mr. Harwell said he was before the Board two weeks ago to get an approval. He stated this is not for a privacy fence but more to support the automatic gate that will serve the subdivision. Also, the property owner has concerns with liability, insurance, and privacy. The public is constantly traversing the property to fish, boat, walk, jog, etc. This is private property. Mr. Harwell said the fence would be four feet in height of good construction and material and also be appealing to look at.

Chairperson Vincenz said he did not favor closing off access to the public waters.

Town Administrator Susan Parker said that the property owners can start enforcing the law for this private property. Even though there are signs posted that it is private property, the public is still traversing the property and using the private amenities there. The gate would help discourage use of the property.

Len Steiner said that he could certainly understand the concerns. The public should not be on the private property and I am in favor of the owners protecting the property by installing a gate. It's not like a fence is being installed around the whole property.

Elliot Harwell said the fence would be 4 foot high.

Greg Jensen said we could approve the gate for this Text Amendment only and revisit the topic to update the UDO at another time. Planning Board did then discuss that was not possible as the gate is in affect a fence and cannot be separated in the current UDO.

CHAIRPERSON VINCENZ ASKED FOR A MOTION TO APPROVE THE TEXT AMENDMENT. A MOTION WAS MOVED BY GREG JENSEN TO ACCEPT TA-16-11 AS SUBMITTED. SECOND WAS MADE BY BOB TONE. CHAIRPERSON VINCENZ MOVED TO ACCEPT ACTION ITEM A IN THE CONSISTANCY STATEMENT. THE VOTE WAS NOT UNANIMOUS WITH THREE VOTES FOR THE TEXT AMENDMENT AND ONE AGAINST.

Wes said this will go for Town Council approval at their next meeting.

d. Consideration of Approval/Recommendation of the 2016 CAMA Land Use Update; Wes Macleod, Cape Fear COG.

Wes explained that with the Board's approval today, the Land Use Plan will now go to the Coastal Resource Commission (CRC) with an executive summary and it will take approximately 75 days for their approval. Wes also promised the Board he would keep them informed of any CRC comments and will revise the document accordingly. The Town will use the current plan until such time as the new one is fully adopted.

More discussion noted a couple changes that needed to be made to the document.

CHAIRPERSON VINCENZ ASKED FOR A MOTION TO ACCEPT THE LAND USE PLAN AS DRAFTED TO THIS POINT WITH THE EXCEPTON OF ADDING TWO COMMENTS AS DISCUSSED. GREG JENSEN MOVED THAT THE LAND USE PLAN BE ACCEPTED AS WRITTEN WITH THE EXCEPTION OF ADDITIONAL ITEMS. SECOND WAS MADE BY BOB TONE. MOTION WAS CARRIED UNANIMOUSLY.

New Business

New Business agenda items have been previously addressed today; items a. and c.
Next item for consideration under new business:

b. TA-16-10: Amend Article 6, Zoning Districts, and Article 7, Supplemental Regulations, to remove Private Community Centers as a Permitted Use in the BB-1 Zoning District.

Wes gave a description of the Text Amendment and educated the Board on how to apply the consistency statement attached to the Text Amendment. He did offer that allowing private community centers is not consistent with the Land Use Plan. Although the Board can supersede this, we just need to move forward on what you want to recommend.

With no further discussion the Board voted to remove Private Community Centers as a Permitted Use in the BB-1 district.

CHAIRPERSON VINCENZ ASKED FOR A MOTION TO RECOMMEND THIS TO TOWN COUNCIL ALONG WITH CONSISTANCY STATEMENT ITEM #A. MOTION WAS MOVED BY LEN STEINER, AND A SECOND WAS MADE BY BOB TONE. MOTION WAS CARRIED UNANIMOUSLY.

Administrative Items:

A. Director and Staff Comments: None

B. Board Member Comments and Request for Future Agenda Items

Chairperson Vincenz mentioned that repair of bulkheads; piers and docks came back to the Planning Board for additional work.

Chairperson Vincenz asked why Town Council is NOT approving preliminary plats for subdivisions. Wes said every jurisdiction is different, and you could look into making a change. Len Steiner voiced his thoughts in that for about 10 years, we did look at these, and because it was so busy it caused delays. He further added that Town Council could look at major site plan approvals. Basically anything that is going to require a guarantee for improvements, or large pieces of acreage such as Sea Trail. The Board was in agreement to look into this subject further.

Wes talked to the Board in regard to removing the requirement in the UDO that every Text Amendment be advertised. General Statutes do not require this. It becomes expensive for the Town and time consuming. Especially given that a public hearing is held at the Town Council level, so the public is being notified of any UDO changes.

Bob Tone mentioned there are signs up at the gazebo and a sign at the park. The signs have been up all summer and they are in the park right of way. Town Administrator Susan Parker answered that those signs have permits. She continued that we have the right to monitor items in the right

of way. The signs are attractively attached on poles. Town staff including myself, are constantly pulling signs up, at this time we do not have a full time code enforcement officer.

Public Comment: None

Adjournment: 10:20 AM. CHAIRPERSON VINCENZ ASKED FOR A MOTION TO ADJOURN. MOTION MOVED BY GREG JENSEN. SECOND WAS MADE BOB TONE. MOTION CARRIED UNANIMOUSLY.

Town of Sunset Beach
Planning Board

Tom Vincenz, Chair Person

Submitted by:

Cindy Nelson, Planning Board Secretary

***There were no minutes for approval at the August 4, 2016 Planning Board meeting.