



Town of Sunset Beach Planning Board Meeting

Meeting Minutes of April 2, 2015

9:00 am

DRAFT

Members Present: Tom Vincenz, Vice-Chairman; Greg Jensen, Noelle Kehrberg, Len Steiner, Robert Tone

Members Absent: Carol Santavicca-Chairwoman

Staff Present: Rawls Howard, Director of Planning and Inspections; Grady Richardson-Town Attorney; Cindy Nelson, Secretary

Postponement or Withdrawal Requests: None

Public Comments:

1. Charlie Nern-647 Oyster Bay Drive: Wants to see Perseus Sportswear look like the surrounding buildings, have no flashing or neon lights, has proper landscaping with maintained grounds. He is in full support of Sunset Creek Commons senior apartment development.
2. Larry Rhodes-405 #C 27th Street: Requested that the empty commercial lot on 27th Street toward the beach, be cleaned up. It is unkempt and those living near that area have to look at a big mess. He encouraged the Board to go and check it out. He submitted pictures for the record.
3. Mayor Ron Watts-421 Shoreline Drive W: Thanked the Board for its community service by sitting on this Board. He is coming to them not as Mayor but as a citizen of Sunset Beach. His comments relate to Agenda Item #8. A. As you deliberate this request please consider these points: one building in the commercial district is being condemned. There are 69 multi-family units which are a source of tax revenue, help with overall density, and are encouraging for families to stay in Sunset Beach and make home purchases. This is the only area on the island in which multi-family development is allowed as opposed to other islands in the area. We would like to see more retail and restaurants; however there is a short window of time in which a business like that could make a living. Multi-family development is the best way to generate income and revenues. Also, if a building were destroyed, could it be rebuilt in its current state? Please consider tabling a decision on this proposal until the next Land Use Plan Update.

4. Eddie Walters-643 Shoreline Drive W: He commented on the Text Amendment Proposal Agenda Item #8. A. There is 69 parcels zoned BB-1, and only 10% of the total parcels have businesses on them. He quoted the Vision Statement from the Land Use Plan that supports economic and aesthetic growth in the Town. He stated this Text Amendment hinders future growth. He also quoted the UDO in where the UDO shall allow for multi-family uses in BB-1. He asked the Board to deny this request.

5. John Corbett-423 Sailfish Street: Spoke against Agenda Items #E and #F. He strongly supports Staff Recommendations that these requests be denied and thanked the Staff for their effort in researching this request.

Consideration of Approval of Minutes: CONSIDERATION OF APPROVAL OF MINUTES FROM THE MARCH 19, 2015 MEETING. VICE CHAIRMAN TOM VINCENZ CALLED FOR A MOTION TO APPROVE. GREG JENSEN MADE A MOTION TO APPROVE THE MINUTES AS WRITTEN. SECOND WAS MADE BY LEN STEINER. BOARD APPROVAL WAS UNANIMOUS.

New Business:

a. Site Plan Review and Approval-Perseus Resort Wear; Village at Sunset Beach

Rawls Howard, Director of Planning and Inspections gave a power point presentation of the site plan and building location. He stated that development has already received Technical Review Committee (TRC) approval with changes, those changes have been completed. Changes have been reviewed by Staff. The building meets minimum specifications for code. He further informed the Board that the developer's representative's Jay Houston and Bill Ormond were available to answer questions.

Discussion as follows:

Len Steiner: Does the building work within the impervious coverage? Rawls-Yes it does.

Robert Tone: In the TRC meeting, there was an issue with parking spaces and width of the driveway along the side of the building. Rawls answered that has been resolved by the Fire Department; due to the height of the building the driveway can be 24' wide.

Tom Vincenz: What will be the color selection of the building?

Bill Ormond: The metal awnings and brick color (that is not stucco) is the same color and texture as the Bank of America building located nearby.

Tom Vincenz: What about impervious coverage and has there been any consideration in regard to parking space reduction or shared parking from that area?

Bill Ormond: We will go by the Town Ordinance which requires 1 parking space for every 200 square feet. We furnished just that amount. As far as impervious our design engineer accounted for below 80% coverage, however, we would reduce parking spaces to allow more space for greenery if the Town wanted us to do so.

Robert Tone: I see the North and South elevations of the building are the same.

Bill Ormond: The owner did that on purpose so it looks the same from all sides.

Len Steiner: What type of store is this going to be?

Bill Ormond: It is a retail store for beachwear and beach related merchandise. We will entertain the idea of another business coming in to the other side. We approached Starbucks, but they declined.

VICE CHAIRMAN TOM VINCENZ MADE A MOTION TO APPROVE. MOTION WAS CARRIED BY LEN STEINER. SECOND WAS MADE BY ROBERT TONE. BOARD APPROVAL WAS UNANIMOUS.

b. Preliminary Plat Review and Approval-Sunset Commons; Seaside Rd SW

Rawls Howard gave an overview of the development for a senior living apartment building. The proposal meets all minimum requirements for a subdivision. Approvals have been given through the TRC. They are required to put in a sidewalk; the applicant would like an approval for a crosswalk instead. Staff did approve a painted crosswalk, as long as it meets Planning Board approval.

Jody Bland with Norris and Tunstall Engineering was present to represent the developer Holly Smith.

Jody said they are asking for some relief from the sidewalk requirement as the NCDOT would not allow a sidewalk in the right of way. To further complicate it, the sidewalk would be pushed farther back on the property, which would put the sidewalk into a drainage ditch which is part of an easement and also part of an evacuation route.

Len Steiner: I do not see a problem with approving that. My concern is there is no deceleration lane, is that not required?

Jody Bland: The DOT is not requiring one at this time based on the type of the development, however, future development on that property will require one.

VICE CHAIRMAN TOM VINCENZ ASKED FOR A MOTION TO APPROVE AS PRESENTED. GREG JENSEN CARRIED THE MOTIONED TO APPROVE AS PRESENTED. SECOND WAS MADE BY NOELLE KEHRBERG. BOARD APPROVAL WAS UNANIMOUS.

c. Site Plan Review and Approval-Sunset Commons; Seaside Rd SW

Rawls gave an overview of the development. Approvals have been granted through the TRC. Rawls stated that the applicant will be asking for a 10% parking space reduction. For this type of use, there would not be a lot of traffic and Staff does approve the request.

Landscaping will be affected; staff will review the landscaping plan when building permits are applied for. Also 5 Heritage Trees are going to be removed new plantings will replace those.

Len Steiner: I notice there are pods of three parking spaces that seem too far away from the entrance.

Holly Smith, Sunset Commons Developer: There are card readers next to those pods, on the two ends.

Len Steiner: Visitor parking...staff agreed to reduce parking and there is visitor parking.

Holly Smith: My lenders only require 1 space per unit for 72 units; however we will have 1.5 spaces per unit. Visitor/family members are limited to how long they can have overnight stays.

Len Steiner: I do not see food service amenities.

Holly Smith: It is not that type of facility. We do have community support with the local churches and Brunswick Senior Center to help residents get to grocery stores if needed. The units do have kitchens. She passed out a rendering of what the building will look like.

Greg Jensen: Will there be irrigation on the property?

Holly Smith: Yes, we will have sod put in.

VICE CHAIRMAN MADE AMOTION TO ACCEPT THE PROPOSAL AND THE 10% REDUCTION IN PARKING SPACES. MOTION WAS CARRIED BY NOELLE KEHRBERG. SECOND WAS MADE BY GREG JENSEN. BOARD APPROVAL WAS UNANIMOUS.

Rawls said to restate the motion to include the site plan.

VICE CHAIRMAN MADE A MOTION TO APPROVE THE SITE PLAN. MOTION CARRIED BY ROBERT TONE. SECOND WAS MADE BY GREG JENSEN. BOARD APPROVAL WAS UNANIMOUS.

d. Ordinance Amendment – Case #TA-15-06; Citizen-Initiated; Review of Article 6; Section 6.04; Amend Ordinance for Removal of Multifamily Uses in the Beach Business (BB-1) Zoning District.

Rawls Howard gave a power point demonstration that included an overview of the island, particularly the BB-1 Zoning District which is the only commercial area of the island.

Staff reviewed the Land Use Plan in conjunction with this Text Amendment application; and the Land Use Plan says that “The Town of Sunset Beach desires to maintain its unique coastal town character by promoting lower density and single family.” He further said the Land Use Plan is a guide to go by while considering development proposals. Builders are currently in compliance since the BB-1 does not have density standards.

Staff recommends approval of this proposal and finds it consistent with the Land Use Plan to take multi-family out of the BB-1 District.

The applicant Jan Harris was present to defend her application. She stated duplexes would still be allowed in the BB-1 if the Text Amendment is approved.

Rawls spoke on behalf of Chairwoman Carol Santavicca who was not present. Her concern was the current multi-family buildings would be non-conforming in case any of the buildings would become over 50% damaged. The structure would have to be build back to current code.

Robert Tone: So if a building were damaged by fire than it could not be rebuilt in its current form and those who own a unit would be out? Rawls answered yes, the building would be non-conforming and would have to be built back as a duplex as per this amendment.

Through additional deliberation the general consensus of the Board was to postpone discussion on this topic until the next Planning Board meeting or save for consideration at the next Land Use Update.

VICE CHAIRMAN TOM VINCENZ ASKED FOR A MOTION. LEN STEINER MOVED TO TABLE THIS UNTIL THE NEXT PLANNING BOARD MEETING TO DO MORE RESEARCH ON THIS SUBJECT. (AFTER SOME DISCUSSION ON THE MOTION WITH RAWLS HOWARD) LEN STEINER FURTHER MOVED TO TABLE THIS UNTIL THE APRIL 16 MEETING. SECOND WAS MADE BE NOELLE KEHRBERG. BOARD APPROVAL WAS UNANIMOUS.

e. Ordinance Amendment – Case # TA-15-07; Citizen-Initiated; Review of Article 6; Section 6.04; Amend Ordinance to Allow Swimming Pools in Conservation Reserve (CR-1) Zoning District.

Rawls Howard gave a power point overview and explanation. He described that the Text Amendment is limited in scope, purpose, and area. He said that the CR-1 district is an area of limited development possibilities and is a fragile environment. At this time staff does not support this request as it is not consistent with the current Land Use Plan and Article 6 which say that pools are not allowed south of Main Street.

The owners of the Palm Cove Subdivision who have property in the CR-1 District and who have initiated the Text Amendment request were present to speak on behalf of their request.

Some highlights from the explanations of owner/applicants Bert Exum, Sammy Varnam, Tim Jackson and Perry Davis are bulleted as follows:

- We have vested rights which are being challenged in court.
- 1 acre lots will be for a low density high value development.
- Pool sizes would be small.

- Will improve property values and have high tax revenue.
- Litigation would not proceed if you would consider allowing pools on the Jinx Creek side of Palm Cove and not the ocean side.
- County wide sewer is available so overwhelming the septic systems would not be a concern.

Vice Chairman Tom Vincenz said I hear the words unique, irreplaceable, and fragile and to me pools are not those things.

Noelle Kehrberg added that public sewer is not available into that development.

Len Steiner-The CR-1 district was created to maintain the unique and fragile environment in that area.

LEN STEINER MADE A MOTION TO NOT ALLOW POOLS THERE. VICE CHAIRMAN TOM VINCENZ ASKED FOR THE MOTION TO CARRY. SECOND WAS MADE BY NOELLE KEHRBERG. BOARD APPROVAL WAS UNANIMOUS.

f. Ordinance Amendment- Case # TA-15-08; Citizen-Initiated; Review of Article 6; Section 6/04 Section 6/05 (L) (F); and Appendix A-Definitions for “Dune Walkover; Amend Ordinance to Allow Private Dune Crossovers for Ocean-Front Lots.

Rawls Howard gave a power point demonstration of the properties in CR-1. The slide demonstrated an overhead view with a dune walkover inserted at each lot. Public dune walkovers are permitted in the BR-1 and BR-2 island zoning districts, per CAMA and Town Ordinances. However, per the Land Use Plan, private dune walkovers are discouraged and they do not exist in other zoning districts. The proposed amendment would essentially allow private dune walkover ownership at the expense of the public and restrict public accesses to the beach. Staff does not recommend approval of this Text Amendment request.

Owner/Applicants Bert Exum and Sammy Varnam spoke on behalf of the proposed Text Amendment in that the request is addressing the CR-1 zoning district *only* and not the whole island. He stated they have vested rights there and they should be able to construct dune walkovers for each lot but he would compromise and have one dune crossover per two lots. Allowing dune walkovers will grant beach access to the Palm Cove residents and will keep them out of the dunes. This is an environmentally friendly request and your approval will keep this part of our vested rights from litigation.

Rawls Howard continued in his presentation to the Planning Board.

The applicants asked to modify or withdrawal the Text Amendment application as there seems to be a miscommunication with staff. They are asking for an approval for the CR-1 district *only* and no other zoning districts.

Vice Chairman Tom Vincenz confirmed with Rawls Howard that this approval would also allow for private dune walkovers for all island zoning districts? Rawls responded, “Yes”.

NOELLE KEHRBERG MADE A MOTION TO NOT APPROVE THIS REQUEST AS WRITTEN. SECOND WAS MADE BY GREG JENSEN. BOARD APPROVAL WAS UNANIMOUS.

g. Discussion

i. Temporary Signs

Robert Tone said if a sign is in the Right of Way, you have to call the sign owner and if he does not respond we have to send a certified letter. Seems like a waste of time.

Rawls explained that the signed could be pulled up if it is in the public right of way per our Ordinance. Then, basically contact the sign owner and educate them on the ordinance.

ii. Vision Plan/Overlay

Vice Chairman Tom Vincenz wanted to see the Planning Board continue to work the vision plan for the Sunset Blvd area and create an overlay to help guide in its future development. Rawls’ solution was that two board members volunteer to work with him and come up with ideas. He offered to invite a private representative to join the group. Greg Jensen and Tom Vincenz volunteered. Rawls will put information together and contact them with a meeting time.

iii. Lighting

Vice Chairman Tom Vincenz explained that as the UDO was being developed; the Board of that time and citizens alike had ideas and concerns to be considered for the lighting section. Those ideas and concerns were not acknowledged. This will give an opportunity to express our thoughts to be incorporated into the UDO. Rawls said he would contact a representative from BEMC and make this an agenda item for the April 16, 2015 Planning Board meeting.

iv. Public Comments

Greg Jensen proposed allowing public comments at the end of Planning Board meetings, which mirrors tradition and how Town Council runs their meetings.

MOTION WAS MOVED AND SECONDED.

Old Business: None

Administrative Items:

A. Director and Staff Comments

a. Legislative Update

Rawls Howard gave the Planning Board a hand out with updates on new State legislation; House Bill 201 and House Bill 255.

B. Board Member Comments and Request for Future Agenda Items

a. Future agenda item-Multi-family development in BB-1

b. Lighting Ordinance

Adjournment: 10:55am VICE CHAIRMAIN TOM VICENZ MADE A MOTION TO ADJOURN. MOTION MOVED BY LEN STEINER. SECOND WAS MADE BY GREG JENSEN. BOARD APPROVAL WAS UNANIMOUS.

Town of Sunset Beach
Planning Board

Tom Vincenz Vice Chairman

Submitted by:

Cindy Nelson, Planning Board Secretary

The April 2, 2015 minutes were approved by the Planning Board during the xxxx, 2015 meeting.