

**TOWN OF OCEAN ISLE BEACH
PLANNING BOARD MEETING
MARCH 18, 2014
MINUTES**

MEMBERS PRESENT

Carol Grantham, Chairperson
Don Kauffman, Vice Chairperson
Larry Cheek
Robbie Smith
Terry Stephens
Frank Williamson

MEMBERS ABSENT

Becky Noble

STAFF PRESENT

Mayor Pro-Tem Dean Walters
Justin Whiteside, Planning Director
Kitty Coley, Secretary

MEETING CALLED TO ORDER

Chairperson Mrs. Carol Grantham called the meeting to order.

ADOPTION OF AGENDA

A motion was made by Mr. Frank Williamson with a second by Mr. Don Kauffman to adopt the agenda. The vote was unanimous.

APPROVAL OF MINUTES

The minutes of the September 17, 2013 meeting were unanimously approved with corrections upon a motion by Mr. Robbie Smith with a second by Mr. Larry Cheek.

SUMMARY OF BOARD OF COMMISSIONERS' ACTIONS

The Planning Board was presented with the following summary regarding Board of Commissioners' actions during their March meeting:

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1. Referred a rezoning request from Splash, LTD to the Planning Board for review
2. Approved the following Group Activities:
 - a. 2014 Ocean Isle Inshore Challenge Fishing Tournament - May 30-31, 2014
 - b. South Brunswick Sea Turtle Festival – July 9, 2014
 - c. “Turtle Talk” at the Community Center – Each Tuesday from 7:00 pm – 8:30 pm from May 27 – August 26, 2014
 - d. Museum of Coastal Carolina Family Day – April 19, 2014
 - e. Museum of Coastal Carolina Wine Fest – May 3, 2014
 - f. Paws-Ability Bicycle Poker Run – October 11, 2014
3. Approved amendments to the Town’s Ordinance pertaining to the regulation of firing, discharge and explosion of fireworks within the Town.

NEW BUSINESS

DISCUSSION REGARDING REZONING REQUEST FROM SPLASH, LTD. FOR PROPERTY LOCATED AT 21 EAST FIRST STREET

Chairperson Grantham stated the first item of New Business was discussion regarding a rezoning request from Splash, LTD for property located at 21 East First Street. Mr. Whiteside explained that Mr. Gene Hardee, owner of 21 East First Street, had submitted an application for rezoning of parcel number 257DG001 from R-1 (Single-Family Residential) to C-2 (Commercial Business District). Mr. Whiteside stated the property to be rezoned was a 50’ x 100’ parcel located at the corner of East First Street and Halifax Street. Mr. Whiteside noted there were single-family homes located to the north and east of this property. Properties located across Halifax Street to the west are zoned C-2 (Commercial Business District) and are currently developed commercial parcels. Mr. Whiteside stated the property was currently vacant and had been used throughout the years for parking of vehicles, construction trailers and also housing a dumpster. Mr. Whiteside explained that rezoning of this property to C-2 would not be consistent with the CAMA Future Land Use Map; however, this is not a requirement in order to approve the rezoning. Mr. Whiteside noted if this property was rezoned the Town’s CAMA Land Use Map could be amended. Mr. Whiteside stated that although a parking plan had been submitted, consideration had to be given for all uses that could be allowed in a C-2 zone. Mr. Whiteside gave history of the lot stating that Mayor Pro-Tem Dean Walters had a dwelling there in the late 80’s in which he lived. The property was later purchased by Ocean Cove Condo Association; the house was burned and then used as a small sewer treatment holding station for the Condos. Mr. Whiteside also stated that Mr. Hardee purchased the property in 1995 which had remained vacant.

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Mr. Cheek asked if we could restrict this parcel to parking. Mr. Whiteside noted that consideration would need to include all uses in this zoning district specifically not just parking. Mr. Williamson stated the Town's ordinance has a supplemental parking. Mr. Williamson noted that Mr. Hardee currently owns several buildings that do not meet the Town's current parking requirements. Mr. Williamson stated the Breakers did not have designated parking and was 300 feet from the said property. Mr. Williamson felt that it would be easier to consider the rezoning if Mr. Hardee was attaching this property as supplemental parking for the current property that he has. Mr. Kauffman asked what was Mr. Hardee trying to accomplish by rezoning this property. Mr. Whiteside explained that in talking with Mr. Hardee, he wanted to have the property zoned for what he had been using it for which was parking. Mr. Kauffman asked if the Town had ever restricted Mr. Hardee from using this property for parking. Mr. Whiteside replied no and explained that Mr. Hardee wanted to designate the property for a specific use and with it zoned as R-1 you could not do so. Mr. Whiteside expressed that we have to consider all of the uses rather than just one specific use.

Chairperson Grantham asked if this property was rezoned as C-2 could a beach club be build there. Mr. Whiteside stated yes, however with increased setbacks that you don't have with a business that would make it difficult. Mr. Whiteside noted that if a commercial building was built there a buffer would be required to screen the R-1 uses. Mr. Whiteside explained it would be difficult to build a commercial structure on this parcel due to required parking restrictions and setbacks.

After a brief discussion, a motion was made by Mr. Kauffman with a second by Mr. Cheek to recommend to the Board of Commissioners not to approve the zoning to be changed to C-2. The vote was four to one to not approve the zoning with Mr. Smith opposing.

DISCUSSION REGARDING PARKING REQUIREMENTS

Chairperson Grantham stated the next item of New Business was on-site parking requirement amendments. Mr. Whiteside expressed that residential parking requirements had been the same for houses on the island and mainland. Mr. Whiteside stated that staff was suggesting for the island be a minimum of two (2) parking spaces per dwelling unit or one (1) parking space per bedroom, whichever is greater and mainland to be a minimum of two (2) parking spaces per dwelling unit plus 0.5 per bedroom over four (4) bedrooms. Mr. Whiteside explained that parking spaces are 9 feet x 18 feet. Mr. Whiteside stated an additional change to parking requirements was to remove the employee required space.

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After a brief discussion the board, a motion was made by Mr. Smith to recommend approval of the changes to Section 66-133 Number of Spaces Required to be amended to allow minimum of two (2) parking spaces per dwelling or one (1) parking space per bedroom, whichever is greater for the island. Mainland homes to a minimum of two (2) parking spaces per dwelling unit plus 0.5 per bedroom over four (4) bedrooms. Along with removing the parking requirement for employees from the commercial buildings. A second was received from Mr. Williamson with a unanimous vote.

NOTE: Additions are double underlined with the deletions indicated by ~~strike through~~.

Sec. 66-133. Number of spaces required.

The following table gives the required number of parking spaces:

Types of Uses	Standards
Accommodations:	
Motels, hotels, condominium-type hotels and motels or any other facility providing for short-term occupancy	1 parking space for units having 500 square feet gross floor area or less, plus 1 space for each 5 units regardless of unit size. Units having over 500 square feet shall have 1½ spaces per unit. Units having 700 square feet shall have 2 spaces per unit.
Banks	1 space per each 400 square feet of gross floor area, plus 1 space for every 2 employees on the maximum shift.
Bed and breakfast	1 space for each bedroom plus 1 space.
Dwellings:	
Single-family, two-family, multifamily, mobile homes <u>located on the island</u>	Minimum of 2 parking spaces per dwelling or 1 parking space per bedroom, whichever is greater.
<u>Single-family, two-family, multifamily, mobile homes located on the</u>	<u>Minimum of 2 parking spaces per dwelling unit + 0.5 per bedroom</u>

<u>mainland</u>	<u>over 4 bedrooms.</u>
Electronic gaming operation	1½ parking spaces for every 2 electronic gaming machines plus 1 space per every employee on the maximum shift
Clubhouses	1 space for every 80 square feet of area under roof, plus 1 space for each employee on the maximum shift
Golf courses, municipally owned recreational facilities, marinas and fishing piers	1 space for every 3 persons that the facilities are designed to accommodate when fully utilized, plus 1 space for each employee.
Offices	1 space per each 300 square feet of gross floor area, plus 1 space for every 2 employees on the maximum shift.
Other uses not specified in this section	Sufficient spaces to accommodate the number of vehicles that would ordinarily be attracted to the use in question, as determined by the building inspector.
Restaurants, cafes, nightclubs and similar eating and/or entertainment facilities	1 space for every 3 seating accommodations, plus 1 space for every 2 employees on the maximum shift.
Retail and services including shopping centers and grocery stores (big box stores)	1 space per each 300 square feet of gross floor area, plus 1 space for every 2 employees on the maximum shift.

DISCUSSION REGARDING STREET LIGHTING REQUIREMENTS

Chairperson Grantham stated the final item of New Business was regarding Street Lighting Requirements. Mr. Whiteside explained that staff had provided proposed amendments to Sections 50-95 and 66-61 to the Subdivision and Planned Unit Development Ordinances. Mr. Whiteside noted the street lighting was not currently a requirement in new developments. Mr. Whiteside stated that staff had worked with Brunswick Electric Membership Corporation (BEMC) to develop the proposed amendments. Mr. Whiteside explained that BEMC charges \$100 labor per light plus the cost of the pole for the 30 foot pole with a monthly fee of \$14.20.

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Mr. Whiteside noted that when the Town accepts a street dedication and right-of-way they are acquiring the street lights along with the monthly fee. Mr. Whiteside stated that street lights for developments on the mainland are paid for by their homeowners association. Mr. Whiteside explained that mainland developments were installing shorter poles for pedestrian scaled lighting.

Mr. Williamson suggested that the minimum average street light spacing shall be 220 feet be removed. Mr. Cheek asked that in areas where streets and rights-of-way are accepted by the Town for dedication, the street lights may be accepted, should this read shall rather than may. Mr. Cheek expressed that it sounded like the Town had the option to or not acquire the street lights. It was the consensus of the board this should read as shall. Chairperson Grantham asked if street lighting requirements were a concern of safety. Mr. Whiteside expressed that if the Town was requiring bike paths and sidewalks that certainly safety was an issue. Mr. Whiteside stated if the developer knows the lighting requirements when designing the development he can plan according with BEMC or any lighting company to meet the Town's ordinance. Mr. Stephens noted the developer could present their development to BEMC and they will design their lighting plan with a photometric system.

Upon a brief discussion Mr. Williamson suggested only requiring minimum lighting at street intersections. Mr. Williamson made a motion to table this item to revise wording. Mr. Whiteside stated these changes could be made now and recommended to the Board of Commissioners rather than to table the issued. It was the consensus of the board to make these changes. Mr. Williamson withdrew the motion to table this item. A motion was made by Mr. Williamson to remove the noted changes eliminating the spacing requirements, placing lights in curves and amending may to shall. The motion was seconded by Mr. Kauffman with a unanimous vote. Chairperson Grantham noted the deletion on Section 66-61 (j) to remove the wording currently adopted bicycle and pedestrian traffic plan for the Town of Ocean Isle Beach and the addition of requirements in Section 50-95 of the Ocean Isle Beach Subdivision Ordinance. A motion was made by Mr. Cheek to recommend to the Board of Commissioners these changes with a second by Mr. Kauffman. The vote was unanimous.

NOTE: Additions are double underlined with the deletions indicated by ~~strike through~~.

Sec. 50-95. Streets.

(a) Type of streets required.

(1) All subdivision lots shall abut on a public or private street. All new subdivision streets created pursuant to this chapter shall be constructed so that they qualify for acceptance either by the town or the NCDOT, and shall be offered for dedication to the town or NCDOT upon completion. A written maintenance agreement with provisions for maintenance of the street until it is put on the state system shall be included with the final plat.

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(2) Private streets or driveways are allowed only within planned unit developments, either within the town or the town's extraterritorial jurisdiction area, or within subdivisions on the island that contain ocean hazard areas. Any street or street system located within subdivisions that include land denominated "ocean hazard areas" shall not be accepted by the town as a part of the public street system and should not be offered for dedication.

(b) *Subdivision street disclosure statement.* All streets shown on the final plat shall be designated in accordance with G.S. 136-102.6, and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into a municipal or the state system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.

(c) *Access to adjacent properties.* Where in the opinion of the board of commissioners it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround provided.

(d) *Nonresidential streets.* The subdivider of a nonresidential subdivision shall provide streets in accordance with I.F-4 of the North Carolina Roads, Minimum Construction Standards, July 1, 1985, and the standards in this chapter, whichever are stricter in regard to each particular item.

(e) *Design standards.* The design of all streets and roads within the jurisdiction of this chapter shall be in accordance with the accepted policies of the state department of transportation, division of highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals. The state department of transportation, division of highways' subdivision roads minimum construction standards, most current revision, shall apply for any items not included in this chapter, or where stricter than this chapter.

(1) *Right-of-way widths.*

a. In the extraterritorial area of the town, all streets except those in planned unit developments, shall be public rights-of-way and shall conform to NCDOT standards, or the standards of this chapter, whichever are stricter.

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b. Inside the corporate limits all new streets shall have a minimum ROW of 60 feet for two-way traffic and 30 feet for one-way traffic. Cul-de-sac street turnarounds shall have a minimum 50-foot turn radius.

c. Reserved.

(2) *Street widths.*

a. For all new streets, the minimum pavement width shall be 20 feet for two-way streets and 12 feet for one-way traffic.

b. Streets that are to be accepted into the NCDOT system must comply with the NCDOT standards.

c. Reserved.

(f) *Other requirements.*

(1) *Sidewalks.* Sidewalks shall be required by the board of commissioners on one or both sides of the street in areas likely to be subject to heavy pedestrian traffic. Such sidewalks shall be constructed to NCDOT standards. All sidewalks shall be placed in the right-of-way unless the sidewalk is part of the residential green space provision as required by these regulations.

(2) *Street names.* Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided; and in no case shall the proposed name be phonetically similar to existing names in the Brunswick County 911 system, irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be shown on the preliminary and final plat, subject to the approval of the board of commissioners.

(3) Street Lighting

a. Street lighting shall be placed on all streets by the developer to allow for the safe use of streets by both cars and pedestrians. All street lighting shall be placed in accordance with the following minimum design standards:

i. Lighting shall be placed at street intersections.

ii. All lighting shall utilize a cutoff fixture and shall be no taller than 30 feet. Where buildings are close to the street (less than 15 feet from the right-of-way), full cutoff fixtures are required to limit glare and light spillage on upper levels.

b. Alleys are excluded from the spacing and lighting requirements of this Chapter.

c. In areas where streets and rights-of-way are accepted by the Town for dedication, the street lights shall be accepted.

Sec. 66-61. Design standards.

(a) *Setback lines.* No building or structure shall be closer than 25 feet from any project or tract property line. Any commercial occupancy shall be separated from any residential occupancy within or outside the planned unit development by a minimum of 35 feet.

(b) *Separation.* Building separation distances shall be a minimum of ten feet unless otherwise indicated within the North Carolina Building Code.

(c) *Residential density.* The maximum residential density shall conform to the zoning requirement of the district in which the planned unit development is located. Total project area does not include any areas that are designated as ecologically sensitive, as set forth in subsection (g).

(d) *Commercial density.* The maximum commercial density shall conform to the zoning requirement of the district in which the planned unit development is located. The calculation of density shall be computed by dividing the total square footage for the project by 2,000 square feet per unit and applying this to the total project area. Total project area does not include any areas that are designated as ecologically sensitive, as set forth in subsection (g).

(e) *Commercial use within planned unit developments.* Mixing of commercial and residential uses within a planned unit development is permitted in residentially zoned areas as long as there are at least 20 contiguous acres or more of land. The developer may designate an area not greater than 25 percent of the total acreage for commercial use, excluding golf courses.

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(f) *Residential green space.* In planned unit development projects, a minimum of 15 percent of the gross acreage shall be reserved as green space. Any area or segment less than 50 feet in width cannot be calculated as usable. Wetland areas shall not account for more than 50 percent of the green space requirement. Provisions for continuous maintenance in accordance with the above regulations shall be made by the developer through establishment of a private homeowner's association or, in the case of commercial planned unit developments, a private property owner's association. Open areas that are required as part of a stormwater control device or septic system area shall not be included for the purpose of meeting the requirements of this division. However any part of the stormwater system that is completely underground can be considered when calculating the residential green space requirement. Green space shall not be improved with the placement of any structures including, but not limited to gazebos, walkways, boardwalks or any impervious surfaces. Required project buffers and setbacks shall not be included in the green space calculation.

(g) *Wetlands.* Ecologically sensitive lands such as marsh, Carolina Bays, pocosins and swamps are to be preserved whenever possible for the public interest. Density credit may be applied to these areas upon approval of the planning board and board of commissioners as long as such areas are granted as perpetual conservation easements.

Note: The following is an example of how full density credit may be applied. If a proposed project area consists of ten acres and two acres are determined to be ecologically sensitive lands, the project density will be calculated based on ten acres, however, development will be allowed only on the eight acres not determined to be ecologically sensitive.

(h) *Commercial buffer.* A distinct buffer that separates and partially obstructs the view between single-family and commercial or between single-family and multi-family by a minimum of 50 percent is required within the planned unit development. (A buffer for the purposes of this use shall be considered as natural or planted vegetation located between a structure and a property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.)

(i) *Utilities.* Provision of utility services shall be underground. Adequate easements and rights-of-way for ingress and egress for maintenance also shall be provided. All utilities shall be placed within the right-of-way, and not located under the paved portions of the street (except for lateral crossovers).

(1) *Water and sewer.* Provision of water and sewer to each housing unit and non-residential structure shall be in accordance with the Ocean Isle Beach Subdivision Ordinance Section 50-96 and Utilities Ordinance Chapter 58 and any other applicable state, federal, or local regulations.

(2) *Electrical, telephone and cable.* Electrical, telephone and cable service shall be underground. All underground wiring shall be in accordance with the Ocean Isle Beach Subdivision Ordinance Section 50-96. (A written statement by the utility company authorized to provide electrical service to the planned unit development, stating their commitment to install electric utilities, may be accepted in lieu of financial assurance guarantees.)

(j) *Streets/internal trafficways.* Creative design of circulation routes and trafficways is encouraged. A base characteristic of a planned unit development is that the internal circulation routes or streets do not follow fixed linear geometric lines as do most streets. Instead, circulation routes are curvilinear and of meandering character, to preserve tree and landscape features. Slower-paced traffic movements, private restrictions for extremely low speed limits, and provision of bumper-strips at intervals in the pavement make generous use of such features. Pedestrian-oriented communities also are encouraged to enhance the quantity of pedestrian activity and to improve the quality of the pedestrian experience.

Streets shall conform to the requirements in section 50-95 of the Ocean Isle Beach Subdivision Ordinance. Provisions for bicycle and pedestrian traffic shall be made in accordance with the requirements in section 50-95 of the Ocean Isle Beach Subdivision Ordinance. ~~currently adopted bicycle and pedestrian traffic plan for the Town of Ocean Isle Beach.~~

(k) *Stormwater.* Planned unit developments shall provide stormwater drainage systems in accordance with the Ocean Isle Beach Stormwater Management Ordinance and North Carolina Department of Environment and Natural Resources. Where a planned unit development is traversed by a natural or constructed drainage-way, an easement shall be provided conforming with the lines of such drainage-way and of sufficient width as will be adequate for the purpose.

(l) *Street Lighting.* Street lighting shall be placed on all streets by the developer to allow for the safe use of streets by both cars and pedestrians. All street lighting shall be placed in accordance with the following minimum design standards:

(1) Lighting shall be placed at street intersections.

(2) All lighting shall utilize a cutoff fixture and shall be no taller than 30 feet. Where buildings are close to the street (less than 15 feet from the right-of-way), full cutoff fixtures are required to limit glare and light spillage on upper levels.

(4) Alleys are excluded from the spacing and lighting requirements of this Chapter.

(5) In areas where streets and rights-of-way are accepted by the Town for dedication, the street lights shall be accepted.

(Ord. of 2-13-2001; Ord. of 10-10-2006(2), § 3(a), (b) ; Res. No. 2008-17, § 2, 6-10-2008)

ADJOURN

Being no additional business or comment was heard, the Planning Board meeting was unanimously adjourned upon a motion by Mr. Williamson with a second by Mr. Kauffman.

April 15, 2014
Date

Carol Grantham
Carol Grantham, Chairperson



Kitty Coley
Kitty Coley, Secretary