

**MINUTES OF THE
ATLANTIC BEACH PLANNING BOARD MEETING
TUESDAY, OCTOBER 3, 2006**

STAFF PRESENT

Donna Turner,
Director of Inspections
Landin Holland, Planner
Kellie Gerald, Secretary

MEMBERS PRESENT

Joe Tarascio, Chairman
Tom Outlaw, Vice Chairman
Larry Burke
Karen Koenig
Vada Palma
Trace Cooper
Norman Livengood

MEMBERS ABSENT

GUESTS

Billy Sparkman, Applicant, Crystal View Condominiums
Bill Sparkman, Crystal View Condominiums

CALL TO ORDER

Chairman Tarascio called the meeting to order at 6:01 p.m. in the Town Meeting Hall.

APPROVAL OF MINUTES

August 1, 2006 regular meeting minutes and August 22, 2006 special meeting minutes

Norman Livengood made a motion to approve both the August 1, 2006 regular meeting minutes and the August 22, 2006 special meeting minutes. Larry Burke seconded the motion and it passed unanimously, 7-0.

NEW BUSINESS

Development Plan Review – Crystal View Condominiums

Planner Landin Holland went over his review for the Board stating that this proposal was a resubmittal for a second phase of an earlier approved development named Crystal View Condominiums. Planner Holland stated that a lot of the review was based on background he received and discussions that former Planner Lee Smith had with Mr. Sparkman about development of the property. It was initially determined that the site was not large enough to accommodate the third building. The Sparkmans have acquired two additional pieces of property. These two parcels are zoned RA-1 and RA-1M and will not be built upon. Planner Holland stated that one of the issues that came up was if these parcels could be used to determine open space requirements and buildable area due to the fact that they are not zoned RC. All of the lots are going to be combined into one lot at the Register of Deeds office but the zoning will remain. There is not anything in the Town's zoning ordinance that speaks to a split zoned property. Eighty-two percent of this property will be zoned RC. None of the RA-1 or RA-1M property will be utilized in the development, it will be maintained as open space. Planner Holland stated that based on these last two factors, staff's position is that the use of the property and the proposed footprint and usable area is fine.

Planner Holland went over the technical comments under staff conclusions on page four of his review. He listed the following as minor technical deficiencies in the plan submittal: The sketch of the vicinity map doesn't include the new parcels, the map book and page number of the property need to be included on the plat, contours are not on the site plan, however, there are no significant grade changes and this requirement may be waived, the pre-existing structures are not on the site plan (the two new parcels have existing structures on them), and the water system tie in is not shown on the plan, however, there is water going to the existing development, therefore there should not be an issue with tying into the water system.

Planner Holland went over the items for discussion on pages four and five of his review stating that these were somewhat more significant than the last five items under technical comments. This project is in the maritime forest protection overlay district. To the rear of the proposed project there is a wooded area with substantial vegetation. Planner Holland stated that according to Mr. Sparkman none of those trees would be touched; all of the development would take place on the Highway 58 side of the existing vegetation line. Planner Holland stated that there was not a site plan or any indication of where this vegetation lies in relation to the building. There is not a landscaping plan and they do not show how they will mitigate adversely impacting the maritime forest area.

Another issue is that a stormwater plan has not been submitted yet showing how this proposal would tie into the existing stormwater system.

Another issue is that one of the parking stalls encroaches on the required buffer yard on the Knollwood Dr. side of the development. Mr. Sparkman is aware of this and feels that the parking stalls can be adjusted away from the street because of the island shown. The parking stalls can just be moved down and out of the buffer yard.

Another issue is sewer. There is nothing from the Health Department about the septic system or what the status is on approval of that system.

Planner Holland stated that the requirements for the footprint, the coverage, recreation/open space area, setbacks, and parking are all met.

Karen Koenig asked how they could incorporate a RA-1 parcel and a RA-1M parcel into a RC parcel. Planner Holland replied that he could not find a provision in the ordinance that addressed split zoned parcels. Ms. Koenig stated she didn't understand how there could be two separate zonings if the other zoning doesn't allow multifamily structures. Planner Holland stated that the only thing to do in this situation is to approve it as is or send it to the Board of Adjustment for an ordinance interpretation. Tom Outlaw asked if this was something that the Town Attorney needed to look at. Planner Holland stated that it was either in the ordinance or not and if not then it was an interpretation issue.

Chairman Tarascio stated that he has seen this property and there is no reason for them to do a contour survey on this property. The Board all agreed that they would waive this requirement.

Chairman Tarascio pointed out that the applicants were requesting what would be a total of thirty units on this property and with the new multifamily housing development standards the applicants could have thirty-one units.

Billy Sparkman stated that when he first talked to former Planner Lee Smith about the project, this was the way he suggested doing it. Mr. Sparkman stated that he had asked if he needed to get the additional properties rezoned and Planner Smith had replied no don't rezone them, just don't build on them and use them as a buffer zone. Mr. Sparkman stated as far as the maritime forest went their goal was to leave as much as possible and any tree taken down will be replaced. The initial part of the project has already gone through the state for the stormwater approval. This second part of the project will go through the state also as an addendum to the first. The septic will go through the state as well. Mr. Sparkman stated that the two additional lots had structures on them, but these were going to be demolished.

Chairman Tarascio asked Mr. Sparkman if the Town would have an agreement on the nondevelopable RA-1 and RA-1M lots and Mr. Sparkman replied yes. Chairman Tarascio asked if the Town could get something in writing stating those lots would not be developed. Mr. Sparkman replied yes.

Chairman Tarascio asked Mr. Sparkman about Jungleland's septic disposal area. Mr. Sparkman stated that Jungleland had an easement there. As long as Jungleland doesn't have a different system they can have a septic system on Mr. Sparkman's site. Mr. Sparkman stated that he could relocate Jungleland's system anywhere on his site. He stated he has talked to the Health Department and he can combine Jungleland's system with his own or move their system. Mr. Sparkman stated he was willing to put into writing that he would only take out a minimal amount of vegetation and would replace anything he took out.

The Planning Board's largest concerns were the split zoning issue, stormwater control, protecting the maritime forest area, not building on the two additional lots and septic approval.

Ms. Koenig made a motion to send the split zoning issue first to the Town Attorney, and if he determines that he can't make a ruling on it, then on to the Board of Adjustment for an interpretation. Mr. Livengood seconded the motion and it passed unanimously, 7-0. The Planning Board's approval is based on the applicants obtaining their sewer permit, their completion of the stormwater development plan and permit, the written agreement on the fact that the RA-1 and RA-1M lots will not be developed, and a written agreement on the conservation of the maritime forest. The Planning Board voted unanimously, 7-0, to include these four conditions with their approval.

OLD BUSINESS

Adoption of old minutes for the following dates – 1/10/06 – 2/07/06 – 7/11/06

Chairman Tarascio stated that on the July 11, 2006 minutes, in the second paragraph of item 3, where it states "one may have a small 16' x 16' dock", it should state "one may have a small 16' x 16' covered dock". Also on the July 11, 2006 minutes, in the fifth paragraph on page 3, where it states "there is some controversy concerning the larger lot sizes on undevelopable tracts of land on the ocean", it should state "there is some controversy concerning the larger lot sizes on undevelopable tracts of land on the ocean and sound".

Trace Cooper made a motion to approve the January 10, 2006 regular meeting minutes, the February 7, 2006 regular meeting minutes and the July 11, 2006 regular meeting minutes with the corrections listed above. Mr. Livengood seconded the motion and it passed unanimously, 7-0.

ADJOURNMENT

There being no further business before the Planning Board, Mr. Burke made a motion to adjourn. Mr. Outlaw seconded the motion and it passed unanimously, 7-0.

The meeting adjourned at 6:51 p.m.

Respectfully submitted,

Kellie Gerald, Secretary

Approved by,

Joe Tarascio, Chairman