

TOWN OF ATLANTIC BEACH
November 4, 2009

APPROVED

Planning Board Minutes

Members Present

John Hopkins
Steve Joyner
Norman Livengood, Vice-Chair
Scott Rice, MD
John Rivers

Staff Present

Nina Erwin, Secretary
Jessica Fiester, Planning Director

Others Present

Eddie Briley, Councilmember
Trace Cooper, Mayor

Members Absent

Larry Burke
Ray Langley, Chairman

CALL TO ORDER

Vice-Chair Norman Livengood called the meeting to order at 6:00 pm. **Norman Livengood, Vice-Chair, called for a motion to excuse Ray Langley, Chairman, from the meeting. Scott Rice made the motion. John Rivers seconded the motion. The motion passed unanimously.**

PUBLIC COMMENTS (Carnival at Jungleland)

Eve Hall resides at 107 Fairview Street, Atlantic Beach, NC

Ms. Hall stated the following: My house is right across from the Jungleland parking lot. I lived through Jungleland and picked up debris all the time, and squealing tires late at night. I just don't want it.

Edward Odum resides at 308 Fairview Street, Atlantic Beach, NC

Mr. Odum stated the following: We certainly are not in favor of the carnival being placed there. Maybe it could be placed somewhere else. The city property down here where the old Food Lion used to be. That is commercial and this is not commercial cause it has been rezoned. I don't know of a person in here that would want it in their neighborhood. We certainly don't want it in our neighborhood. Maybe you do, I don't. Keep that in mind if you will, please.

George Richardson resides at 314 Fairview Street, Atlantic Beach, NC

Mr. Richardson stated the following: We had a carnival in town and the Commissioners decided that we didn't want a carnival in the Circle, so they made arrangements to give the property a real low value so they could get rid of it. Basically, let's put the carnival back where the carnival used to be. That is more centralized to everybody.

Laurie Tatum resides at 109 Dogwood, Atlantic Beach, NC

Ms. Tatum stated the following: I live behind where Jungleland is. First off, it was commercial. It was changed to residential. So are you going to change it back to commercial to put a temporary carnival? We are also in no-man's land. We are in the very end of Atlantic Beach, yet the sign says Pine Knoll Shores. So we are in the kind of area that nobody really wants to claim back there. So, that's kind of why we feel like you're trying to cram a carnival down at the end of Atlantic Beach. We are dead set against the carnival.

Planner Jessica Fiester said that several years ago, the group that was going to develop Jungleland had the property rezoned. It was rezoned Resort Services when the Unified Development Ordinance (UDO) passed. Anything that is not residential would require a Conditional Use.

Audience comments not audible.

APPROVAL OF OCTOBER 7, 2009 MINUTES

Vice-Chair Norman Livengood called for a motion to approve the minutes of October 7, 2009. **Steve Joyner made the motion. John Rivers seconded the motion. The motion passed unanimously.**

CAMPGROUNDS – INITIAL DISCUSSIONS ON CAMPGROUND ORDINANCE REQUESTED BY ALAN SHELOR

Alan Shelor, 100 Sound Drive, Atlantic Beach, NC

What we were talking about is simply a campground where tents could be set, and a space rented for a weekend or a week during the season. Planner Fiester said to her knowledge, campgrounds had not come up in the discussion of the UDO, and she suggested the subject of a campground be placed on the Planning Board agenda. The Planning Board might look into this to see if it could be done and to find out what would be necessary in order to have it available in the Town as either a permitted, special or conditional use. The water flow requirements for a park or campground were checked out with Troy Dees, Carteret County Health Department. Mr. Dees told Mr. Shelor what the water requirements were, as far as gallons per tent space. Mr. Shelor said the next step would be to see if the Town would look into the possibility of putting that use (special, conditional, permitted) in whatever zones the Town deemed adequate. Mr. Shelor stated that campgrounds are difficult to find especially in resort areas. Most of the land is either too valuable to use for that purpose, or the owners of the land are not interested in that small amount of income.

Tony Malouf, 2518 W. Fort Macon Road, Atlantic Beach, NC

Mr. Malouf asked the Planning Board to honor the campground request. He stated if there were any questions concerning parking and other items, he would provide the answers.

Steve Joyner asked Mr. Malouf if he had explored the sewage requirements for the number of people anticipated. Mr. Shelor stated it was a 100 gallon flow per campsite. This would be something like a bathroom or a bathhouse facility where you would have bathrooms and showers. The information came from Troy Dees, Carteret County Health Department.

John Rivers asked if the campsites were for tents only and not an RV park. Mr. Malouf stated the campsites were for tents only. Mr. Malouf was also asked if the other facility would be a bathhouse and

restrooms for the campers to use. Mr. Malouf replied yes. John Rivers questioned the legal entrance to the campsite. Mr. Malouf stated that Mr. Shelor's building is five (5) feet away from his land. The entrance that comes to the back is Mr. Malouf's entrance. It has nothing to do with Mr. Shelor. This is where they can enter. Mr. Malouf said he thinks he has a right to use the back if he needs to.

Planner Fiester stated it is clearly stated in the UDO that there is only one (1) use per parcel. The possibility of subdividing the property has been discussed. That way, he could give himself an easement through the front to the back.

Scott Rice asked if vehicles would be allowed into the camping area. Mr. Malouf stated the camping area in the back which is about 200 x 180 x150 will be where they camp. It will be nicely blocked and nicely designed. There will be a drop-off spot for people with no parking on the campsite. Mr. Malouf said that the comfort of the public is most important to him.

Scott Rice asked how many campsites are anticipated. Mr. Malouf said to start with, 40-50 campsites. There are 35,000 square feet for use. Fifty campsites could easily fit without congestion.

Planner Fiester stated the Table of Uses would need to be amended to allow a campsite and a definition would need to be created. The type of definition would focus on the type of campground that would only allow tents. A tent-density standard would have to be created. Planner Fiester's recommendation is to make this a Conditional Use. It would go through the Technical Review Committee (TRC), Inspections, Fire Department, and the Health Department. All necessary parties would be involved in looking at the campground project.

Steve Joyner asked how the land behind and across the street from Mr. Malouf's property was zoned. Planner Fiester stated that the property is zoned Resort Services.

Planner Fiester said she would put together a definition for the board's review, and some conditions that are necessary (ingress, egress, buffering, landscaping, parking, noise concern, mitigation, lighting, crosswalk to the beach, sanitation, and water facilities)

Alan Shelor's comments from the audience area are inaudible.

Scott Rice said the idea diversifies the Town and satisfies visitors in an alternative way.

Planner Fiester stated what is now being discussed is just to change the ordinance to allow a campground. When that is accomplished, Mr. Shelor and Mr. Malouf would be eligible to submit a plan for review. If it is made conditional, a recommendation would be made to the Board of Adjustment.

Planner Fiester said Alan Shelor and Tony Malouf will be on the December 2009 agenda.

CONTINUATION OF ARTICLE 8 – MARINAS – DISCUSSION ON PUBLIC INPUT

Planner Fiester said each board member received a packet containing CAMA regulations on Marinas. CAMA considers a marina over ten (10) boat

slips. Anything under ten (10) requires CAMA permits. The existing definition of a marina, a proposed definition of a marina, and some notes on the information was given to the board at the previous

meeting.

Planner Fiester received several definitions from the list-serv and found the following definition that covers almost everything.

“A facility for the storing, servicing, fueling, berthing and securing of boats that may include eating, sleeping and retail facilities for owners, crews and guests, and the sale of motor vehicles and/or watercraft and associated accessories.”

Planner Fiester stated that any changes to the definition will be moved to the action agenda for the next Planning Board meeting.

Planner Fiester said there were significant changes. The Class I, II, III Marina has been reorganized and is now A, B, and C. There is a marina that is an accessory to a mobile home park, a marina that is an accessory to commercial-residential, and a Class C Marina that has fuel sales, boat servicing and storing, and in-water and out-water boat storage. All of the processes that are not necessary have been removed because there is a Technical Review Committee (TRC) and a Conditional Use system. A new marina would be subject to a Conditional Use permit where we go through the TRC, Planning Department, Planning Board, and the Board of Adjustment.

A new copy of Article 8 – Marinas, will be given to each board member and all marina owners and operators. They will be invited to a board meeting for comment.

John Hopkins commented on Section 8.6, Pollution. There is another MSD Class I that is approved by the Coast Guard, which is an electra-scan system. This may need to be included in Section 8.6 for vessels which have that type of system.

TEMPORARY CARNIVAL ORDINANCE – INITIAL DISCUSSION AND REVIEW OF ASSOCIATED ISSUES

Mayor Trace Cooper stated that nothing on the carnival has been decided. It is an idea that is being explored. People in the Town have commented to Council and Mayor Cooper that there is nothing for families to do anymore.

Mayor Cooper said the idea came about from two (2) owners of carnivals (Myrtle Beach, Virginia Beach). They worked with the land owner in North Myrtle Beach in a situation similar with what we have at the Circle and at Jungleland, where the property had been zoned for condos; however, the economy prevented the landowner from building on it. The carnival owners asked if there was a way it could be done with a conditional use that would allow them to operate carnivals there for a year or two until the landowner could build what he wanted. In North Myrtle Beach, it was seen as a way to get some family entertainment back if only for a couple of years. The carnival may be better suited for the Circle.

Mayor Cooper said he has asked the Planning Board to look into what zones would be appropriate, and in those zones, what type of restrictions would be appropriate. There is a new mechanism in the UDO called a Conditional Use that allows the Planning Board to set all the conditions (closing time, lights, noise) for the activity

requested. Once the Planning Board approves the plan, the plan then goes to the Board of Adjustment for their approval. What is being talked about tonight is just the idea. Where is it appropriate in town and what conditions would be appropriate to place on it? I think we all recognize that there is a need for this in Atlantic Beach.

Last summer, we tried to place a carnival at the old Food Lion; however, the carnival operators said that the property was too small. We are committed to finding some way to get family-oriented entertainment in Atlantic Beach. If this is not it, then we will find other ways.

Audience comments are inaudible.

Mayor Cooper said to the audience: "I'll give you my cell phone number anytime you feel that way, 24 hours a day. You call me directly if you're not getting appropriate attention from the Town of Atlantic Beach because we take your tax dollars just like we take everybody else's and we should be giving you the same service. You don't feel like you're getting that, I'll give you my cell phone number and you call me. I'll make sure that you do."

Audience comments are inaudible.

Mayor Cooper stated that we need this type of entertainment somewhere in town. This may not be the method. We are doing everything we can to explore every option. The reason why we have these meetings is so that the citizens can express their concerns.

Eddie Briley, Councilmember, stated there is no intent by this Council to put up four (4) story ferris wheels in town. Jungleland was something that was pleasantly placed. It was a groomed place. Those are the kinds of things we are talking about. This town and the people who are coming to the beach are pushing for something in the amusement line. I would allow the same thing that was at the Circle. There was a ferris wheel and bumper cars. I think this Council would entertain that idea. From there, the Council would get input from the citizens. We would not write a blank ticket. We cannot do that. It would have to be permitted.

Mr. Briley said nothing is going to happen that is detrimental to the citizens of Atlantic Beach. The people on the Planning Board and Board of Adjustment are in tune with what the Council and the people want.

Audience comments are inaudible.

Planner Fiester said that the Town has commercial areas all the way down Fort Macon Road that abut residential property. It is a fact and it must be dealt with. That is one of the reasons a Conditional Use system was set up. The Town does not own Jungleland property or the Circle. For any of this to happen somebody would need to be interested enough to come in and want to do this.

Planner Fiester stated what needs to be considered is changing what is permitted in certain districts. The top two (2) complaints in Atlantic Beach are lack of something for the kids to do, and not enough parking spaces at the Circle. We need to be thinking of setting this up in the ordinance so it could

happen and how in any location, we would eradicate the nuisances that could be placed on the neighbors.

There are three (3) districts: Circle Development District (CDD) – Community Business District (CBD) – Resort Services District (RS). The CBD is what is in Atlantic Station, Sheraton and the parking lot next to the Sheraton, and the old Food Lion property owned by the Town. We all know where the CDD is. The RS is most of what is East and West Fort Macon Road including the Jungleland property. Those are the only three (3) districts that we would need to consider doing this. Everything else is zoned residential.

Planner Fiester stated RS is a conditional use district. Almost every single thing that is not residential requires a Conditional Use permit. The board needs to think about what districts we would consider allowing a carnival. A definition of a carnival, and definition of an amusement needs to be written. Conditions would include food vendors, restrooms, height restrictions, light restrictions, and operations. The board needs to think of the audience that we are going for. For an audience of children ten (10) and under, the closure time would not go past 9:00 pm. If the board gears it to youth that are older, a different closure time is something to consider. Landscaping concerns, buffering concerns, parking standards, and how long the permit would be good for; all the same conditions that we would think of on anything else.

Steve Joyner said Mayor Cooper talked about the idea of a carnival and that Jungleland was a potential site. When Mr. Joyner passed on the information to people who live in his neighborhood full-time. Mr. Joyner made the point that the idea of a carnival at Jungleland was only for discussion and it would have to go before the Planning Board, and Board of Adjustment. Mr. Joyner stated that the neighborhood felt there was nothing attractive about a carnival from their standpoint.

Scott Rice stated he agrees about things to do for children, old and young. Attractions are necessary and we need to allow for them. Dr. Rice asked if the owners of Jungleland planned on allowing the carnival or selling the property. Planner Fiester stated that she has not discussed anything on the Jungleland property with any landowner since we gave them their preliminary approval of the Beach Huts Condotel.

Dr. Rice said that Jungleland does not look very big for much of an amusement park.

Audience comments are inaudible.

Planner Fiester said any sight that is looked at for a carnival will have concerns. We are going to lay out every possible problem we can think of. That way, we can think of ways to address them if somebody were to bring us a proposal. We are interested in looking into allowing a carnival with a conditional use, and we will go from that point.

John Hopkins said if these amusement businesses felt they could get a return on investment they would have opened some elsewhere on property far less valuable than the property they were located on, but they have not. If there is money to be earned in the free market system, it will happen. A temporary carnival might be lucrative, but if the demand is there they would locate somewhere on property that would support them.

Planner Fiester said newly illegal signage is coming down on Monday and Tuesday. All of the Town's portable signs, unapproved banners, and unapproved sandwich boards are going to be gone. The

sandwich boards can come back when people get permits for them in certain places. Everything else will be cleaned out.

Vice-Chair Livengood asked about an ordinance for the ice machines. Planner Fiester said that we cannot do anything about the existing ice machines. The two (2) ice machines were installed before the UDO was adopted. We cannot force them to add anything. If someone wanted to install a new ice machine, that ice machine would be subject to everything that was discussed during the UDO meetings.

ADJOURNMENT

Vice-Chair Livengood called for a motion to adjourn. **Scott Rice made the motion to adjourn. John Rivers seconded the motion. The motion passed unanimously.** The meeting was adjourned at 7:08 pm.

Respectfully Submitted,

Nina M. Erwin, Secretary

Approved,

Ray Langley, Chairman