

TOWN OF ATLANTIC BEACH
February 2, 2010

APPROVED

Planning Board Minutes

Members Present

Larry Burke
Ray Langley, Chairman
Norman Livengood, Vice-Chair
John Rivers

Staff Present

Nina Erwin, Secretary
Jessica Fiester, Planning Director

Others Present

Harry Archer, Mayor Pro-Tem
Mike Shutak

Members Absent

John Hopkins (excused)
Steve Joyner (unexcused)
Scott Rice, MD (unexcused)

CALL TO ORDER

Chairman Ray Langley called the meeting to order at 6:00 pm.

MOTION TO EXCUSE ABSENT MEMBER

Chairman Langley called for a motion to excuse John Hopkins from tonight's meeting. **Larry Burke made the motion. Norman Livengood seconded the motion. The motion passed unanimously.**

APPROVAL OF JANUARY 5, 2010 MINUTES

Chairman Langley called for a motion to approve the minutes of January 5, 2010. **John Rivers made the motion to approve. Larry Burke seconded the motion. The motion passed unanimously.**

AMENDMENT TO FENCE REQUIREMENTS

Planner Jessica Fiester presented a Staff initiated text amendment. **(Please refer to your packet of information on Article 7, Design Standards of the UDO.)** Planner Fiester stated that the amendments to Section 7.2 are listed in red. The changes clarify that a temporary fence cannot be located in a traveled roadway, and a temporary fence can be in place for no longer than 90 days.

Larry Burke asked if this road was in use. Planner Fiester said it was at the bottom of East Boardwalk. Mr. Burke also asked what a finished side of a fence was. Chairman Langley stated that the framing would go to the inside. Planner Fiester said that a zoning permit was needed to put a fence up because it is a condition that the finished side faces the neighbor.

John Rivers asked if chainlink fences were still allowed. Planner Fiester answered yes.

Chairman Langley called for a motion to approve or reject Section 7.2.2, Placement, and Section 7.2.3,

Temporary Fences, with text amendment changes. **Norman Livengood made the motion to approve. John Rivers seconded the motion. The motion passed unanimously.**

DISCUSSION ON CORRECTION OF MULTI-FAMILY HOUSING ORDINANCE

Planner Fiester said every draft of the UDO at the UDO Committee level and the Planning Board level had 2000 square feet and 45 feet as listed. This is already what was supposed to have been passed. This is simply a correction because it did not make it to the final draft. Planner Fiester stated this is a non-issue.

Chairman Langley called for a motion to approve the changes to the Multi-Family Housing Ordinance. **Larry Burke made the motion to approve. John Rivers seconded the motion. The motion passed unanimously.**

DISCUSSION ON STORMWATER REGULATIONS

Planner Fiester stated that the Stormwater ordinance is very concise. One change that needs to be made is in Section 2.2.6, B1. All the zoning districts are listed; however, R2 was left out. In Section 2.26, B2, the part seen in blue is what has been done for 5 years. Once you get over the 25% on a residential property or over 30% in a commercial zone, the first 1.5 inches of rain needs to be retained. Planner Fiester said there has been discussion with several Council members and Mayor Cooper that this is working. People have gotten use to it. If someone builds a brand new house, the requirement should stay the same. This is open for discussion.

Planner Fiester said the problem right now is that Atlantic Beach is practically built out. People are renovating, and putting additions on. A conversation between Mayor Cooper and Planner Fiester concerned focusing on fixing the part of the ordinance that deals with people doing additions and renovations. No one can go over the numbers (40% and 85%) that are already listed in the UDO. The State has a Best Management Practices (BMP) manual which lists everything that can be done to deal with stormwater. Discussed are pervious driveways, rain gardens, cisterns and all the different types of things that are considered BMP. One way to deal with this would be to say if you go over the 25% to the 40%, you need to engineer something that makes up the difference. This is not saving anybody money on engineering costs which was the idea behind giving people more options. What would work better is rather than giving a percent is to say, "If you do a renovation or an addition valued at a certain dollar amount or more, you need to install one of the BMP on your property because you are not being required to put in an engineered stormwater system as with a brand new house covering just as much."

Planner Fiester stated that if the owner puts in a massive amount of money to remodel their house, or an addition, the owner could go to the BMP manual and decide on the best way to deal with stormwater. A dollar figure to start this process has not been discussed. Planner Fiester said this is the direction she has been given to head.

Chairman Langley said several people have talked with him concerning the stormwater issues. They have said "If something is going to be done with stormwater in Atlantic Beach, now is the time. Quit messing around and move on." Its even been said "Let's cut it off at 25%. If you go over 25%, then require an engineered storm plan to retain the first 1.5 inches of water on the property. Chairman Langley said that people want a required engineered stormwater plan regardless of the percentage.

Chairman Langley said in his opinion, any construction whether it is new, a remodel, or add-ons should

definitely fall under these percentages. If there is a house that is 25% and they add on a room and it pushes it to 27%, then they have to get an engineered stormwater plan. If we are going to do that for new construction I think it should definitely be for add-on construction.

Planner Fiester said neighborhoods east and west of the Circle, where the lots are 5000 square feet or under, requiring anything brand new to retain the 1.5 inches of water is not bad policy. A lot of money is being put into a new home and a stormwater plan is not terribly expensive. Most of the people who come to the Planning office with plans for the 25% are right on the 25%. They are cutting corners and asking for any kind of credit to stay under that 25%. Those are the people who come back a year later and want to pave their driveway and there is no way at this time to say no. Planner Fiester stated all new construction retaining 1.5 inches of water is great.

Larry Burke said in neighborhoods where the topography is basically flat, everybody that builds a new house or removes an old house, raises the lot level. Where does all the water go? It goes to the street which makes this stormwater on public property worse. It goes to the sound faster that way than it did before. Planner Fiester said that if a lot is going to be raised, an engineer is needed. If you're going to build on a canal or on the ocean, because of CAMA regulations, you're going to need an engineer. So requiring 1.5 inches for everybody is actually a good idea.

Planner Fiester said 1.5 inches of water needs to be retained on new construction. We don't care how it is done as long as it is approved by an engineer. Larry Burke stated that if you put yourself in a position of having to approve a multitude of options, then you would open yourself up for criticisms. Planner Fiester stated that on the 1.5 Engineer Stormwater Management System, we require that an engineer seals it as having been designed and installed as designed. **(Board members agreed)**

Planner Fiester said that the board members were in agreement on the following:

- retention of 1.5 inches of water for all new construction (changed to 2.0 inches later in the mtg.)
- personal choice of water retention method from the BMP Manual
- approval by an engineer

Planner Fiester said as far as looking at the BMP manual and putting in something to help retain the stormwater, the board members were asked if they wanted to use a percentage or pick a number. There are several fees already. This is a fee that kicks in at \$20,000. We may want to go lower than that if we want to be effective on this.

Larry Burke stated he did not think the dollars should be used, because somebody will put up a shed with four poles on it and it will cover 400 square feet and the next person will spend \$500,000 on 400 square feet. Mr. Burke thinks it needs to kick in based on what is being covered. Planner Fiester said if you are over 25% and X amount of square feet is to be added, then you need to pick one of the water retention methods to help our stormwater problem. Planner Fiester stated the square footage needs to be discussed.

Planner Fiester suggested starting at 101 square feet. There are some people that want to build a shed and they build a two-car garage. That is not a shed. A shed does not have electricity, running water, and cable. Planner Fiester said this will be rewritten so the board has something to look at and amend at the next meeting. The 1.5 on anything is a significant change and that will start, over time, making a

big difference in itself. Most of the people at 25% are not at 25%. By the time they put in some of these pervious driveways to get the 1-1 credit on the situation, they might have well spent the money on the engineer's plan.

Larry Burke stated it would not be bad policy for Staff to suggest that people do their part. Planner Fiester said it was unpopular when the numbers were initially changed to over 25%, and now there have been no complaints in a very long time. People are starting to be aware of these problems and understand because they are lucky enough to live in Atlantic Beach with its density, and that they must do something concerning stormwater retention. Planner Fiester will draft this ordinance for the next Planning Board meeting, where it will be discussed and amended.

Planner Fiester stated that she was contacted by the Sparkman's. They are starting to think about putting in the final phase at Crystal View. That may be the first project that will go through the new system.

Planner Fiester said the Amusement Ordinance Amendment was passed, and also the Marina Ordinance, along with all the definitions at the last Council meeting. Planner Fiester spoke with Allen Shelor. Mr. Shelor said that he was totally out of the campground project for right now and to contact Tony Malouf. A message was left for Mr. Malouf and Planner Fiester has not yet heard from him. Letters were sent to Allen Shelor and Tony Malouf, saying if they were not heard from by February 5, then the campground project would be removed from public hearing.

Harry Archer, Mayor Pro-Tem said much time was spent trying to define shed or a storage building or facility. Planner Fiester and board members were advised to read the definition of shed/storage building to make sure they have a clear definition.

Mr. Archer commented on the filling or elevating of lots. Larry Burke stated if there were more interruption to the stormwater before it runs into the sound, we would have more shellfish beds open. Mr. Archer said that was absolutely correct, and that is why the State in 2008 changed it from 24 to 12 and that is on ORW or SA waters. These are the waters that have the clams and oysters. Mr. Archer stated that it is time that we recognize the fact that if we are ever going to attempt to alleviate this problem, then we are going to have to step up to the plate and get it done. We cannot keep passing it along, because it is never going to improve.

Larry Burke said concerning the 85% coverage for Commercial, where does all the water go that runs on the pavement? It goes to the sound in a hurry. Planner Fiester stated Emerald Isle requires 2 inches of water be retained, and this should be considered for General Business. Mr. Archer said whether we like it or not, our future will be redevelopment. Some kind of restraints should be placed on redevelopment in order to monitor and control it. Planner Fiester stated that text could be worked to change 1.5 to 2 inches throughout the town.

Mr. Burke said that Emerald Isle has more topography that is natural. People in Emerald Isle have a tendency to leave their lots more natural, which soaks up the water quicker than a turf situation. Mr. Archer said he agreed with Emerald Isle's 2 inch water retention. Chairman Langley said that during the hard rains, water would stand 3-4 inches in the yard for 2 and 3 days, and that the owners around him built their lots up 3 feet. Raising lots forces more water on the people around them. This is something

we need to be very careful about. Mr. Archer stated concerning the Bay Ridge cottages, one of the requirements was that no lot may be filled more than 12 inches. This is why Bay Ridge floods so much now. The water has to go somewhere and it will go into the neighbors yards. Mr. Archer said

that he agrees with Emerald Isle's idea of saying that 2 inches will be retained on the property any way it can be done as long as it is certified that it will work. Chairman Langley said once the system is installed, the stamping engineer needs to go back and verify that it is the way it is drawn.

Chairman Langley asked the board members if they agreed with the 2 inches of water retention. All board members present agreed on 2 inches.

Planner Fiester stated that the stormwater section will be rewritten to show the following:

- change 85% to 75% coverage in the Commercial District
- change the first 1.5 inches of rainwater retention to the first 2 inches of rainwater retention
- new requirements will begin at 101 square feet for storage buildings, sheds, and other impervious coverage
- personal choice of water retention method from the BMP Manual
- approval by an engineer

ADJOURNMENT

Chairman Langley called for a motion to adjourn. **John Rivers made the motion to adjourn. Larry Burke seconded the motion. The motion passed unanimously.** The meeting was adjourned at 6:51 pm.

Respectfully Submitted,

Nina M. Erwin, Secretary

Approved,

Ray Langley, Chairman