



WRIGHTSVILLE BEACH PLANNING BOARD MINUTES

321 Causeway Drive, Wrightsville Beach, NC 28480

February 2, 2016

The Town of Wrightsville Beach Planning Board met at 6:00 p.m. in the Town Hall Council Chambers located at 321 Causeway Drive, Wrightsville Beach, NC 28480.

PRESENT: Chairman Ken Dull, David Culp, Susan Snider, Janice Clark, Vivian "Zeke" Partin, Jim Smith

ABSENT: Vice Chairman Thomas "Ace" Cofer

Staff Members Present: Tony Wilson, Director of Planning & Parks
Zachary Steffey, Town Planner

CALL TO ORDER

Meeting called to order by Chairman Ken Dull at 6:02 p.m.

PLEDGE OF ALLEGIANCE

Chairman Ken Dull led the audience in the Pledge of Allegiance.

APPROVAL OF MINUTES

...Motion by Ms. Zeke Partin to approve the minutes from the December 8, 2015 meeting. Motion seconded by Ms. Janice Clark and carried unanimously by a vote of (6-0).

ELECTION OF NEW CHAIRPERSON AND VICE CHAIRPERSON

Ms. Clark nominated Mr. Ken Dull to serve as the Chairperson of the Town of Wrightsville Beach Planning Board. The Planning Board voted unanimously to elect Mr. Dull as the Chairperson. (6-0)

Ms. Partin nominated Ms. Susan Snider to serve as the Vice Chairperson of the Town of Wrightsville Beach Planning Board, Mr. David Culp seconded the motion and the Planning Board voted unanimously to elect Ms. Snider as the Vice Chairperson. (6-0)

NEW BUSINESS

AGENDA ITEM A:

DISCUSSION ON AMENDING SECTION 155.2.10 OPEN SPACE REQUIREMENTS

Mr. Steffey said that Planning Staff have been working on drafting up a series of amendments to the Open Space Requirements of the Town to ensure that this section of the Town's Code of Ordinances adequately reflects current community interests, needs, and development trends. He said that the Town's Open Space Requirements achieve a number of important regulatory functions for the Town including minimizing the potential volume of wind and waterborne debris during storm events and improving stormwater runoff retention efforts to enhance water quality. He explained that the Open Space Requirements also assist in deterring the spread of fire between structures, allowing for the adequate flow of air to prevent mold, standing water, and other nuisances, and improving the overall aesthetic appearance of the community. Mr. Steffey asked the Planning Board to consider the following changes to Section 155.2.10: Add (B) (2) Utility /Service Equipment Stands (b) to address constructing or re-locating HVAC/Utility stands when nonconforming structures are elevated pursuant to Section 155.8.4, Remove (B) (8) Walkways and replace with (B) (8) Walkways (a) (b) (c) to address walkways allowed within the required setbacks, Modify (B) (11) Retaining Walls to include (b) to address existing retaining walls that exceed a height of 30 inches above the lowest adjacent grade, Establish (B) (12) Arbors and decorative trellises, Establish (B) (13) Storage tanks, Establish (B) (14) Tanks and systems for stormwater collection, Establish (B) (15) Geothermal and irrigation wells

PLANNING BOARD DISCUSSION:

Utility/Service Equipment Stands

Ms. Partin asked about the nature of the proposed change and whether the change was a formality. Mr. Steffey said that the changes are to address the potential issues which may arise when structures that are non-conforming to the setbacks and flood requirements are elevated to adhere to the flood requirements but are unable to be relocated to meet the setbacks.

The Planning Board held general discussion regarding stairs leading to utility stands and the requirements for accessing utility platforms.

Ms. Partin asked if there was a requirement for the height of the utility stand. Mr. Steffey said that the utility stands would require the stands to meet the flood requirements. He explained that in some cases if the structure is non-conforming and there is an existing utility stand it may not be feasible to elevate the stand to meet the flood since the stand could end up being taller than the structure.

The Planning Board continued discussion regarding utility stands including which situations the proposed changes to the ordinance would apply to and whether a utility stand could exceed the 40-foot height requirement.

Mr. Smith asked about adding language to the ordinance to encourage people to cantilever utility stands. Mr. Wilson said that it may be something that FEMA encourages but there could also be challenges associated with cantilevering in terms of condensation and other factors.

Walkways

Mr. Smith asked if the sidewalks (walkways) not being 42 inches would create issues in terms of ADA requirements. Mr. Wilson explained that this particular section of the ordinance applies to walkways that are located on residential lots that encroach into the setbacks.

Mr. Steffey discussed walkways that are in the setbacks that exceed the three-foot limitation for walkways. He said that the way staff has drafted the ordinance would allow non-conforming walkways to be repaired or replaced in the same footprint so long as the work did not exceed 50% of the total material of the walkway. He also said that staff had added a section to allow walkways to be four feet wide on conforming lots that are at least 70 feet wide and 8,000 square feet or more.

Retaining Walls

Mr. Steffey discussed the proposed changes to the retaining walls section of the open space requirements. He said that there are a number of walls that exceed 30 inches in height and that are holding back a substantial amount of fill. He explained that at some point these walls will need to be replaced and that it is simply not feasible to limit the replacement of these larger walls to 30 inches.

Mr. Wilson said that the intent of this section is to address situations that where the laws do not conform to the ordinance.

Ms. Partin asked what would happen if someone had a five-foot-tall retaining wall that has fallen over. Mr. Wilson explained that this change to the ordinance would address situations like this that may arise that the ordinance currently does not account for.

Arbors & Trellises

Mr. Steffey explained that the ordinances do not currently address arbors and decorative trellises. The ordinance drafted by staff sought to limit arbors to seven feet in height as measured from the lowest interior grade. The proposed ordinance also limited the number of posts to four, and placed a five-foot space limitation between each of the posts.

Mr. Culp expressed concern over the height limitation of the arbors due to the hardships that it may cause some individuals who are over six feet tall. Mr. Wilson explained that this is something that staff encounters throughout the Town. Mr. Steffey presented several examples of arbors throughout the Town. Mr. Wilson sought direction from the Planning Board as to whether this is something they would like to address.

Mr. Smith said that a ratio could be established for the square footage covered by the arbor and said that eight feet would be a good starting point.

Ms. Snider commented that the downside to allowing arbors and trellises was that it would create more debris during a flood or storm event. Mr. Wilson said that they could also create less greenspace.

The Planning Board continued their discussion on arbors and trellises. The Board discussed the different examples throughout the Town and what specifications may be appropriate for arbors and trellises.

Mr. Dull suggested looking at other beach communities to see how they address trellises and arbors. He said that Seaside, Florida would be a good example of

an oceanfront community that may address arbors and trellises.

Fuel Storage Tanks

Mr. Steffey explained that the Planning Department often receives questions about where propane tanks can be located. Mr. Smith asked how the four-foot encroachment was determined. Mr. Steffey said that the four-foot limitation was intended to allow tanks to be installed in line with the HVAC stand to reduce clutter in the side and rear yard setbacks. He explained that the tanks would have to adhere to the mechanical code.

PUBLIC COMMENT:

Mr. Neal Briggi expressed concerns about allowing fuel storage tanks to be placed below ground in close proximity to the property boundaries. He indicated that he was concerned about these tanks leaking below ground and creating environmental contamination. Mr. Steffey said that it is fairly common for the tanks to be installed below ground and that they must meet the mechanical code requirements. Mr. Wilson explained that the intent of the section was to primarily address LP tanks.

PRESENTATION CONTINUED:

Tanks for storing Rainwater & Greywater

Mr. Steffey said that rain barrels and greywater retention for irrigation is increasing in popularity at Wrightsville Beach. He indicated that the intent of the section was to allow these tanks to encroach up to four feet into the setback if above ground or within the property boundaries if placed below ground.

Geothermal Wells

Mr. Steffey said that the Planning Department has seen a number of geothermal wells going in with new houses on the island. He indicated that there wasn't a section of the ordinance that clearly addresses the encroachment of these devices within the setbacks. He said that the geothermal wells are generally subject to review by the Public Works Director and the Planning and Inspections Department. Mr. Culp asked if these are closed systems. Mr. Wilson said that the systems are generally closed systems.

Mr. Wilson said that staff would look at the ordinances of other communities and would submit the changes to the Town Attorney before changes would be brought back to the Planning Board for further consideration.

AGENDA ITEM B:

DISCUSSION ON AMENDING CHAPTER 150 PIERS, DOCKS, AND BRIDGES

Mr. Steffey said that Planning Staff have been working on drafting up a series of amendments to Chapter 150 Piers, Docks, and Bridges in an effort to align local processes with the requirements set forth by the North Carolina Division of Coastal Management. He asked that the Planning Board discuss the recommended changes and provide feedback in regards to the following topics: nonconforming piers and docks, regulatory requirement changes, ensuring consistency with current building code requirements, the renting and sale of piers and docks, and ordinance continuity with the current rules and regulations of the NC Division of Coastal Management. Mr. Steffey asked the Planning Board to consider the following changes to Chapter 150: 150.12 (A) (2) to add the wording "except as provided above." 150.12 (A) (4) Remove 150.13 Minimum Dimensions. (Delete) Reference to 2012 Building and Residential Codes 150.14 Structural Specifications. (Delete) Reference to 2012 Building and Residential Codes 150.15 Safety Features. (Delete) Reference to 2012 Building and Residential Codes (Add) Nonconforming Structures – A Text amendment will be needed to ensure consistency with CAMA regulations that regulate piers that are damaged or repaired to a level that exceeds 50% of the framing and structural components.

PLANNING BOARD DISCUSSION:

Mr. Wilson provided the background on the current process for property owners to construct their pier or dock in a manner that does not achieve the 15 foot setbacks from adjacent structures. He said that the current process requires that these individuals pay a \$500 fee to go before the Board of Aldermen for an exception and that amending this section of the ordinances would ensure that the Town was operating in a manner consistent with the Division of Coastal Managements rules and procedures. Mr. Steffey indicated that a section would also be added to ensure that the ordinance adequately addresses CAMA's 50% rule.

The Planning Board held general discussion on the proposed changes. Town staff identified that the changes were to ensure compliance with the current Division of Coastal Management rules and with the North Carolina Building Code. The Planning Board discussed what the building code currently allows. The Planning Board also briefly discussed the rental of slips in residential districts and the sale of boat slips.

OLD BUSINESS

None at this time.

OTHER BUSINESS FROM CHAIRPERSON OR BOARD MEMBERS

The Planning Board requested an official change of date for the March Planning Board Meeting. The requested change was from March 1, 2016 to March 8, 2016.

OTHER BUSINESS FROM STAFF

None

ADJOURNMENT

...There being no further business to come before the board, Chairman Ken Dull made a motion to adjourn which was seconded by Ms. Partin, the meeting was adjourned by unanimous vote at 7:02 p.m. Vote (6-0)

Respectfully Submitted,

Town Planner, Zachary Steffey