PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY
Monday, July 7, 2008
Community Center - 509 Ocean Avenue
7:00 PM

MINUTES

I. CALL TO ORDER

Present Were:

Chairman Dave Campbell
Member Sherri Quarrie
Member Susan Dierterle
Member Steve Swartz
Member David Clay

In Audience:

Alternate Member James Flanagan
Alternate Member Colleen Doyle

II. APPROVAL OF MINUTES – June 2, 2008 Regular Meeting.

Moved by Board Member Quarrie, seconded by Board Member Dieterle to approve the minutes of June 2, 2008. Question called; motion carried, 5-0.

III. NEW BUSINESS

A. Review of allowable Special Exception uses and development of standards for granting Special Exception Permit Applications.

CLERK'S NOTE: This item was discussed after item B. in this agenda; however has been left here for continuity.

Planner Ragsdale explained that this version contains all changes made at the previous Board Meeting, including the revised title.

The Board went through the document page by page, making changes as follows:

Board Member Quarrie requested that section (c) should require a business plan outlining their anticipated traffic flow.

Planner Ragsdale explained that a traffic study is required and would generate official traffic information. He stated that a business plan uses a professional traffic study to generate the numbers for their business plan and therefore, the

numbers would be identical. He explained that there is a manual with a formula that estimates the trip generations expected by the business.

Town Attorney Gougelman stated that the Board cannot deny a request on the basis of traffic presumptions. He mentioned the Walgreen's traffic study and the Board of Adjustments observation that it "doesn't seem accurate". Disagreeing with the study would then result in the Town hiring an outside traffic engineer to complete another study, which may result in identical information.

Chairman Campbell requested that the term "demonstrate" is inaccurate and should be changed to "explained".

The Board briefly discussed traffic studies relating to other Town projects.

Town Attorney Gougelman suggested the following changes on page 2, "A narrative that explains how the use and the development will be compatible".

It was noticed by members of the Board that page three (3) is missing the last words of the last sentence. The sentence was completed with "right-of-way".

Board Member David Clay stated that on page three, section (a) has a typographical error, involving a comma.

Board Member Swartz stated that there is a typographic error on page four (4), "shall be designed will full", will full should be with full.

Chairman Campbell pointed out that the statement, "unless the Town allows…" he requested the addition of a definition of the Town.

Planner Ragsdale stated that it could be defined in the section as the Board.

Chairman Campbell stated that the sentence regarding special exceptions, does not read correctly.

Board Member Swartz asked about allowing certain types of "e-bay" and "Pack and Ship" stores in the zoning district. He said that if the Board wishes to allow them then they should be mentioned specifically in the Code.

The Board decided that they fall under the category of "Personal Services" or "Retail".

Planner Ragsdale stated that in the future staff can evaluate definitions.

Chairman Campbell asked about the free-standing sign addition and whether or not they are permitted in 8-B zoning.

Planner Ragsdale explained that monument signs are smaller in 8-B and is mentioned at the top of page seventeen (17).

Board Member Swartz asked if the Towns sign codes are state standard.

Planner Ragsdale explained that the codes are Town specific and explained that as Towns and City's review their sign codes they are becoming more stringent with the regulations.

Chairman Campbell asked about free-standing signs and whether there should be regulations regarding to ingress and egress obstructions.

Planner Ragsdale stated that the whole sign ordinance needs revision and can be looked at then.

Board Member Quarrie asked about the $10.00 fee for sign removal. She wanted to know why the cost is so low.

Planner Ragsdale explained that this references sale and special event signs in the right-of-way, he also stated that he will review it in the future.

Board Member Flanagan asked about internally lit signage, and the definition of such.

Building Official Whitelock explained that internally lit "open" signs and beverage advertisements are not permitted when the property use changes.

Board Member Quarrie asked about section (7) where it states "dead landscaping materials shall be replaced in a timely manner". She requested that the statement be further explained to define what the landscaping should be replaced with.

Board Member Swartz stated that he believes the material should be replaced with equivalent landscaping and in a specific period of time.

Chairman Campbell asked what equivalent replacement would consist of.

Board Member Quarrie explained that it should be replaced accordingly to the Code.

The Board discussed "in a timely manner" versus a specific time frame for replacement of landscaping, as well as, replacement quality and size.

Town Attorney Gougelman suggested, "…with substantially equivalent landscaping, as permitted by the Land Development Code, in a timely manner."

Building Official Whitelock suggested that the Board implement a timeframe for landscape

Town Attorney Gougelman suggested striking "in a timely manner" and adding "Replacement of landscaping material shall occur within 60 days, unless said time is extended for good cause shown, by the Town Manager."

Planner Ragsdale further added "…dead, deteriorated or missing landscape material shall be replaced."

All changes mentioned were approved by the Board by consensus.

B. Review of proposed Ordinance amending regulations related to walls and fences.

CLERK'S NOTE: This item was discussed prior to item A. in this agenda; however has been left here for continuity.

Chairman Campbell asked about the intent of a statement on page 2, Section 7A-38 item (k) regarding where the rear or sideline of an 8-B lot abuts residential property. He also asked whether it is intended to apply to multi-family residential.

Town Manager Bursick explained that if the owner of the 8-B property intended to build residential, they have an option of erecting either a six (6) foot fence or a wall.

Town Planner Ragsdale stated that the terminology "multi-family residential" could be added to clarify the statement. He explained that if the property owner decided to build a multi-family residential structure in the 8-B zoning, they would not be required to build a wall between the abutting single-family residential properties.

Board Member Swartz expressed his concern with multi-family properties overlooking single-family residential properties.

Chairman Campbell explained that this section stated that if a multi-family residential structure was built in the 8-B zoning district a wall or a fence would be required, however, if a single-family residence was to be built in the 8-B zoning there would be no requirement for fencing or walls. He stated that the chart contained in the ordinance should be revised accordingly.

Board Member Dieterle asked if the definition of "termite and rot-resistant wood" includes cedar fencing.

Chairman Campbell stated that it is considered rot and insect resistant.

Board Member Flanagan pointed out that Fence Height section stated that "fences can be erected up to six feet" and explained that all other areas this topic is referenced states that "it will be six feet". He expressed his concern over individuals misinterpreting the minimum fence height in this section.

Town Planner Ragsdale explained that this section is a limitations section and states that you cannot exceed six feet, other sections define the minimum you must have. He explained that the Board can add the wording "Except as otherwise provided".

Board Member Quarrie asked why an eight (8) foot fence is not permitted between residential and commercial properties.

Town Planner Ragsdale explained that it is a decision of the Board; however, he also explained that an eight (8) foot fence is very tall and the resident may not be inclined to have a fence of such height. He stated that eight (8) foot fences would most definitely bring citizen complaints.

Board Member Clay stated that if an individual desired an eight foot fence, that a variance could be applied for.

Board Member Swartz asked about damage to property that is considered to be in the Town right-of-way. He stated that he does not feel that it is the Towns' responsibility to repair landscaping that has been altered or removed by construction in the right-of-way. He asked if there is a policy/basis regarding the repair of such areas.

Board Member Quarrie explained that she would believe it to be the Town's responsibility to repair the damage as closely to the original state as possible, except for personal property.

Board Member Swartz stated that the Code explains that the Town is not obligated to repair property afterwards, and he does not believe that the Town should be responsible for repairing landscaping after a project has been completed.

Chairman Campbell explained that the Town is not responsible for replacing personal items, such as fences. He explained that this Ordinance is referencing the replacement of fences and not landscaping.

Planner Ragsdale stated that this is not addressing administrative procedures, as asked by Board Member Swartz.

Board Member Clay made typographic error corrections and requested the addition of "public and government agencies" to be held harmless.

Town Attorney Gougelman stated that his suggested correction is "…, any other governmental agencies, and any utility company…, from any costs related to fencing or damages to fencing arising from the removal, repair, installation or maintenance of any utilities, rights-of-way, sidewalks or fences. As used in this paragraph, the term utilities shall include Cable Television Companies."

Chairman Campbell and the Board agreed to the suggested changes.

Town Planner Ragsdale suggested a change to page two, third line of subsection (k), to change the work "that" to "the". He stated that he also would like to add, to the fifth line of subsection (k), "fence shall extend the full length of adjoining residential property located in the 1-RS, 2-RS or 3-RS zoning districts." He stated that the same change should be made to subsection (j). He also suggested that the Board should expound on the definition of "good condition" as stated in subsections (k) and (j), to include no peeling paint, rotting wood or other details.

Board Member Dieterle asked how "non-deteriorating" is tested.

Building Official Whitelock explained his definition of deteriorated.

Town Attorney Gougelman suggested new wording for page 5 section 11, to read "existing barriers, or the lack thereof, shall be replaced or installed," once adopted he suggested that, "as of the effective date of this ordinance" be replaced by, "As of 'effective date'".

Board Member Clay requested that a subtitle be inserted to clarify intention of the section.

Chairman Campbell stated that he did not believe that addition to be necessary.
Board Member Dieterle asked about hedges in front yards and whether or not they needed to be trimmed to four (4) feet conform to the fence code.

Building Official Whitelock stated that there is nothing in the current Code regulating hedges or there height. He did explain to the board that hedges or landscaping on corner lots are regulated under vision clearance at corners section.

There was discussion regarding the classification of hedges as fences on corner lots.

Building Official Whitelock explained that this ordinance strictly addresses walls and fences.

Town Manager Bursick stated that staff will make suggested changes and advertise the Ordinance for public hearing at the next Planning and Zoning Board Meeting.

C. Report on Board of Adjustment meetings of June 19, 2008.

Town Manager Bursick gave a brief synopsis of the BOA meeting, including the Final Order for Sand on the Beach and a continuation of a variance for a Bed and Breakfast on Ocean Ave.

IV. OLD BUSINESS

V. ITEMS TO BE ADDED TO THE AGENDA FOR FUTURE MEETINGS

Board Member Clay requested that the Board investigate conducting a feasibility study on replacing various stop signs with yield signs for gas efficiency.

VI. ADJOURNMENT

Board Secretary/Town Clerk	Board Chairman
Christina Hoffkins	David Campbell
(Town Seal)	