



Town of Oak Island Brunswick County, NC

The Town of Oak Island will preserve, protect, and enhance the quality of the natural and cultural environment of the community. In order to achieve this goal, the Town will improve the quality of its waterways, natural environment, beaches, dunes, water access and residential areas. The Town will maintain a unique scale and character that fosters a sense of community to make the Town a desirable place to live, work and call home, and a family vacation destination. The Town will also develop efficient sidewalks, bikeways, and roadway systems to protect its attractiveness in the future. The Town will also expand its recreational opportunities for residents of all ages and abilities. The Town will balance social and commercial needs and objectives for economic vitality.

Planning Board Meeting Agenda June 21, 2016 • 10:30 AM Town Hall • Council Chambers

I. START-UP

1. Call to Order:
2. Additions or corrections to the agenda
3. Approval of the Minutes: June 22, 2016 (attached).
4. Public Comment: Please state your name and address for the record.

II. OLD BUSINESS

III. NEW BUSINESS

5. Rezoning

IV. REPORTS/UPDATES

6. Board Member Reports
7. Staff Reports - Tree Protection Ordinance
8. Updates from Council Meeting - (clear cutting & stormwater ordinance, development line, minor subdivision text amendment)

V. OTHER

Future Meetings: August 18, 2016
August 24, 2016 - UDO review meeting

Adjournment

MINUTES
PLANNING BOARD – UDO REVIEW MEETING
JUNE 22, 2016 – 10 a.m.
TOWN COUNCIL CHAMBERS – OAK ISLAND TOWN HALL

Present: Chairman Ted Manos, Vice-chairman Denise Pacula, members Cathy Bowes, Bob Carpenter, Helen Cashwell and Clay Jenkins, Zoning and Planning Administrator Jake Vares and Town Clerk Lisa P. Stites, CMC. Member Bob Germaine was not present.

Mr. Holland gave some introductory remarks. He said that Sections R-6a and R-6b were combined. They were virtually identical in the Table of Uses but the height and yard regulations are different; it was confusing so now they are combined. Chairman Manos said that some of the Board members actually wondered why there were so many districts anyway. Vice-chairman Pacula mentioned R-7 and R-7.5, for example. Mr. Holland explained that the sections in the draft UDO provided which are highlighted in yellow are actually from the Town's current ordinances. The Town's current Table of Uses was scrapped and replaced in the draft UDO; it is expanded and newly organized. The PUD is changed from a use to a district; this is a major change. The mixed-use districts are actually special use zoning districts, which means nothing is a permitted use by right. The PUD is a special zoning district. What that means is that for a mixed-use facility, the applicant would apply for a rezoning and then a special use permit. For the PUD, a site plan is provided and the zoning and the special use permit are applied for and approved on a parallel tract. Once a PUD is created, that makes it its own zoning district; that allows a tremendous amount of flexibility. The Mayfaire development in Wilmington, for example, is its own zoning district. A PUD would be perfect for something like the Williamson or Pine Forest tracts, for example. Mr. Holland also reminded the Board that this is just the draft and those designations (special use zoning district, special use district) may change. A PUD approved through the special zoning district would basically have its own set of regulations that would be outlined through the approval process. Mr. Holland and the Board had additional discussion on the difference between special use zoning districts and special zoning districts, the legislative versus quasi-judicial process and the merits of each district.

Answering a question about the differences between PUD and R-MU, Mr. Holland said that a PUD is a larger, more complex development. The current ordinance does not really include a PUD. Mixed-use commercial/residential would be structured more for a small mixed-use development, such as development on one or two lots. Mr. Holland said that the Town would still have to be careful not to get involved in a spot zoning situation, however. He added that spot zoning is not a concern when there are multiple property owners as applicants, only if there is one property owner requesting the change. Mr. Holland also asked the Planning Board members to not judge the three districts until they also have the performance standards to consider. All three of these districts discussed could only be rezoned if the property owners requested it. Mr. Holland said ultimately, he might recommend all three of these be included as special use districts.

Sec. 6.2 – change “Town Council” to “Planning Board” under Special Uses.

Sec. 6.3 – Ms. Bowes asked for a definition of “customary accessory structures.” One will be included.

Development Services Director Steve Edwards asked if making the change for Sec. 6.2 meant that the Planning Board would approve special use permits; Mr. Holland said that was correct. Vice-chairman Pacula asked if that was the standard practice. Mr. Vares said that it varied. He said the UNC-School of Government recommends that just one Board handles the quasi-judicial process and that some towns use

the Planning Board. He said that a majority used Council for that, though it seemed the larger municipalities used Council while the smaller ones used the Planning Board.

Sec. 7 and 7.5 – Mr. Holland said he would look at possibly merging these two. Ms. Bowes also asked that the word “quiet” be removed throughout the section if it is not enforceable. Mr. Vares also noted that the minimum square footage for R-7.5 is 7,500 and it is 7,000 for R-7. Mr. Edwards said that R-7 is more on the beachfront and the R-7.5 is more where there would be a PUD and that those zones are on the mainland. Chairman Manos suggested combining the two districts, using the 7,000-square feet requirements. Vice-chairman Pacula said she would like to see a zoning map before making that decision. Mr. Holland will provide printed zoning maps for the members to include in their books.

Sec. 6.3.17 – will change “Council” to “Planning Board” and “conditional” to “separate.” The last sentence will be removed.

Sec. 6.3.16 – Ms. Bowes said the first sentence is commentary and that the district is not really defined. Mr. Holland will revise that.

Table of Uses review:

Answering a question from the Board, Mr. Holland said that a “Granny Pod” is a 200-square-foot or less structure that can be placed in the rear yard of the structure if a person in that structure is dependent upon someone in the Granny Pod. The Board also discussed the specifications for the Granny Pod (must be on a permanent foundations, etc.).

Supplemental regulations are in the draft UDO; they are not discretionary. Mr. Holland will review whether supplemental regulations should be included for R-MU and C-MU as those uses would be approved with a plan anyway.

Vice-chairman Pacula asked why, in Sec. 7.4, we would be regulating docks when CAMA already does, (including the size of docks allowed). Mr. Holland suggested instead stating that all docks and piers must comply with CAMA guidelines. Chairman Manos suggested leaving it in as it could affect mainland development.

Sec. 7.3.1.4 – Ms. Bowes said she thought two spaces would not be enough. Mr. Holland suggested continuing on with review of the Table of Uses before jumping into the Supplemental Regulations section.

The Board and Mr. Holland discussed what the definition of a retaining wall was; Mr. Holland explained that a retaining wall could be necessary in Open Space for erosion control. They also discussed whether crematoriums should be allowed in the industrial district; consensus was to leave it out. Mr. Holland said that generally, you don’t want to mix industrial and non-industrial traffic nor would you want to limit the availability of industrial areas by allowing retail establishments in that district.

Chairman Manos asked why Government Buildings would be allowed in R-20; Mr. Holland said that R-20 is on the mainland (Vice-chairman Pacula noted that Oak Island Estates, along the golf course, is also R-20) and would allow for something like a rescue squad building, etc. Chairman Manos suggested making Government buildings and postal facilities allowed as a special use rather than permitted; consensus was to make that change.

Chairman Manos asked why a pet cemetery would be allowed in Office & Institutional and not Institutional; Mr. Holland gave the same reasoning he did with crematoriums. The Board also discussed

where Office & Institutional exists in town; it does not currently, but could be applied for as a rezoning. It is a tool that can be used for future development, particularly on the mainland. There is also no Industrial district currently in the Town.

The Board discussed home businesses, what was considered a home occupation, whether work trucks are allowed to be parked at houses (they are), whether employees could go to a home-based business to work (they cannot) and whether the Town should offer more flexibility. Mr. Edwards had noted that one distinction was if there were specialized equipment being used, that wouldn't be allowed. An office in a home is allowed. Ms. Bowes also asked about making baked goods at home and delivering them to businesses in town. Mr. Edwards said he wasn't aware of a complaint received about industrial kitchen equipment being installed in a home. Chairman Manos said it would be better to allow Town staff to use discretion and make reasonable decisions. Mr. Holland said that as exceptions are allowed, the door is increasingly opened as far as someone can go with having a home business. Mr. Holland said that in most municipalities, code enforcement is complaint driven. He said Mr. Vares could drive from one end of town to the other and find a couple hundred code violations, but then he wouldn't get anything else done.

Chairman Manos asked to have "Utility Company" permitted in the Industrial District.

Mr. Jenkins asked about ice plants, which are different from ice vending machines. A definition will be added in the final draft. The ice machines are treated differently than traditional soda vending machines. Mr. Holland said a definition for the ice vending machines would be included in the next draft.

Mr. Vares noted that the highway overlay district the Town adopted many years ago is not included in the draft UDO; the Town had adopted it since Brunswick County did but the County did away with it some time ago. Mr. Holland added that there were many things in the overlay district that he thought were wrong for the Town from a planning perspective.

The next meeting will pick up with review starting on page 6-10 of the Table of Uses. The next meeting will be July 20th at 10 a.m. The draft is supposed to be completed by early fall, so the pace of review will need to increase (there are 4 more meetings scheduled for the UDO review). Ms. Stites suggested that if the Planning Board members had other suggestions for the section such as grammar errors, misspellings or questions on the wording of something that they send those to Mr. Holland prior to the next meeting. Chairman Manos said he would prefer to have the opportunity to discuss any changes.

Regarding the Comprehensive Plan, Mr. Holland said the revised Plan is posted on the website Holland has maintained for the process. Comments on the proposed Executive Summary are not due back until Friday, so copies of it are not available for the Planning Board yet. Mr. Holland also explained the next steps for the Comprehensive Plan – it will go for review by the State. Comments from that review will have to be incorporated and CAMA staff approve it; then there can be a public hearing with Council.

Mr. Carpenter made a motion to adjourn at 11:58 p.m. The motion was seconded and passed unanimously.

Chairman Ted Manos

Attested: _____
Lisa P. Stites, CMC
Town Clerk

**TOWN OF OAK ISLAND
PLANNING BOARD
AGENDA ITEM MEMO**

Agenda Item: New Business No.1

Date: July 1, 2016

Issue: Rezoning Request

Department: Planning & Zoning Administrator

Presented by: Jake Vares

Estimated Time for Discussion: 20 Minutes

Subject Summary:

This agenda item memo serves as an application to rezone a property located off Davis Canal between SE 29th and 31st Street. This rezoning request is staff initiated because the property is owned by the Town of Oak Island and is undeveloped and was purchased to be conserved as open space. The property is currently zoned R-6B (residential zoning) and the rezoning request is to place it in the OS (Open Space) zoning district. The parcel ID numbers are: 235NH015, 235NH01501, 235NH017, 235NH016, 235NH038, and 235NH039. Important considerations to take into account are: impact on neighbors & neighborhood, traffic, environmental quality, utilities, schools, economic impact, tax base, spot zoning, road capacity, infrastructure, community opinion, property values, consistency with the LUP, future land use map, jobs, public services, buffering requirements if applicable, and site limitations. The classification of this land on the current adopted future land use map is governmental and residential. The soon to be adopted future land use map on the Comprehensive Plan shows this property as residential.

Spot zoning would not be an issue in this case because as you can see from the map, all of the land to the south of the parcels are also zoned open space. Once the Planning Board makes a recommendation the rezoning will go before the Town Council for official adoption or denial. The adjacent property owners will receive the proper notifications to come into conformance with the General Statutes. By rezoning the property to OS the land use regulations and allowable uses for that property changes significantly. The board cannot place conditions on a rezoning because it is a legislative decision. Since this is a legislative decision, if there is a conflict of interest (being a financial interest) the Board member may not vote but is allowed to participate in the discussion.

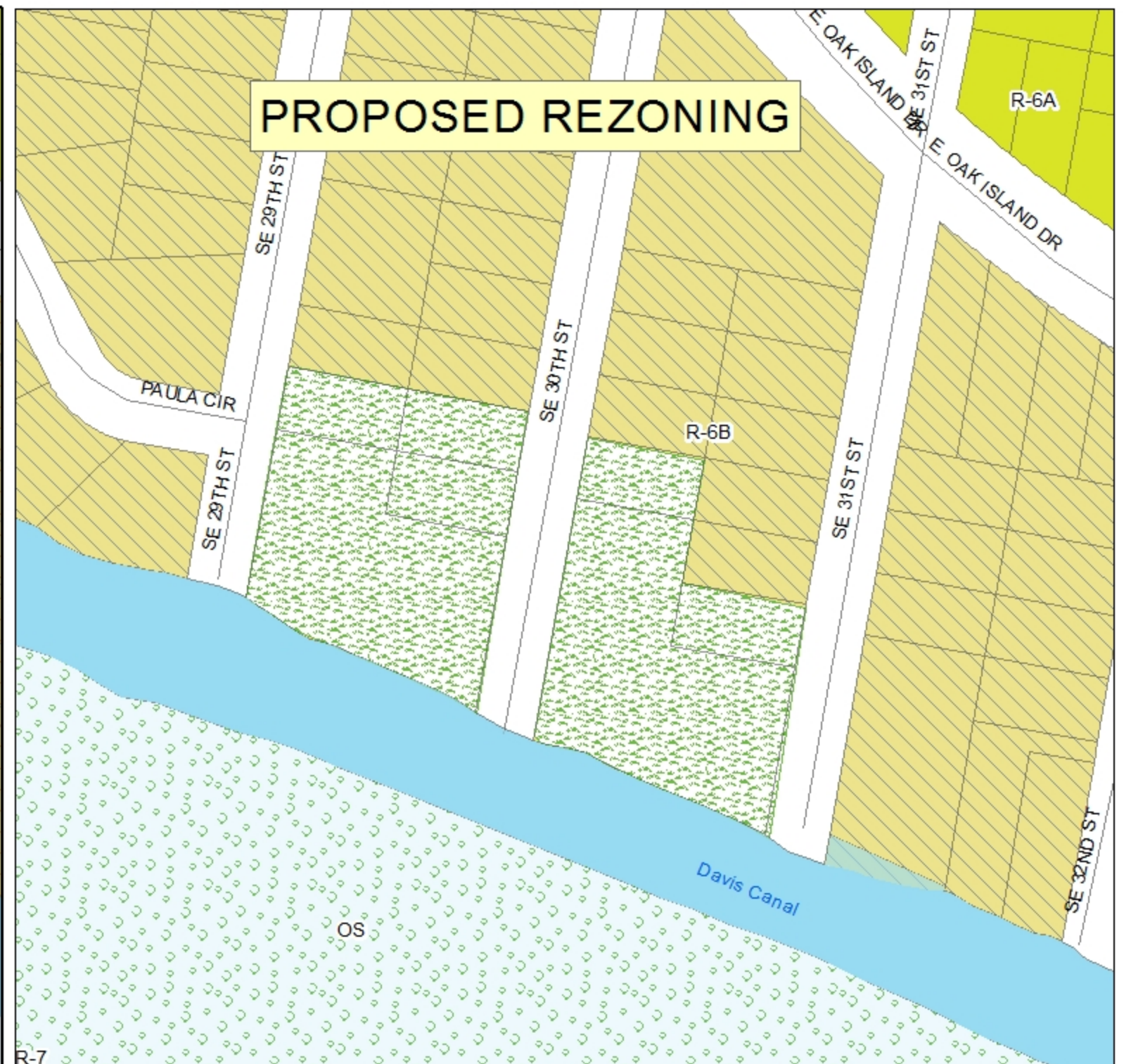
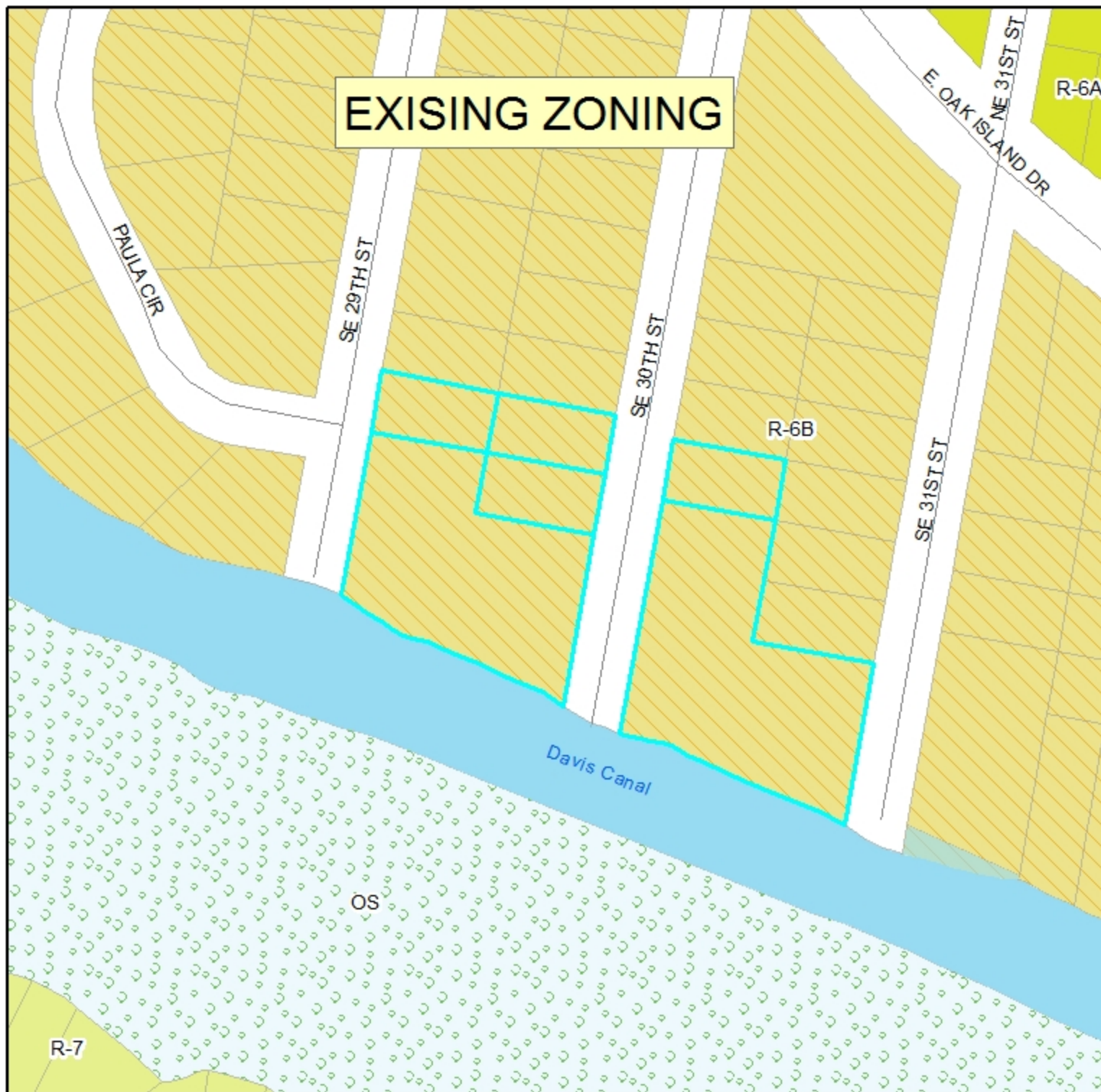
Attachments: Rezoning map

Recommendation/Action Needed: Approval

Suggested Motion: Motion to approve the rezoning and the consistency statement

Funds Needed: \$0.00

Follow-up Action Needed: Staff will update the case file and zoning map.



Legend			
	Streets		(CB) Community Business
	Water Features		OK-ETJ
	Zoning		(OS) Open Space
	(AD) Airport District		R-20 Low Density Residential
	(CLD) Commercial Low Density		R-9 Medium Density Residential
	(CR) Commercial Recreation		R-7 Medium Density Residential
			R-7500 Medium Density Residential
			R-6A Residential District
			R-6B Residential District
			R-6MF Higher Density Residential
			R-6MH Higher Density Residential
			OK-TBD

Rezoning Map

Town of Oak Island

Brunswick County, NC

Map is to be used to only show the general vicinity. Address numbers cannot be 100% guaranteed for accuracy. Map is to be used for general informational purposes only. Data used to generate this map was gathered from disparate sources.

Map created by:
Jake Vares
Town of Oak Island
Development Services Department
7/1/2016