

**TOWN OF HOLDEN BEACH
PLANNING & ZONING BOARD REGULAR MEETING
JANUARY 15, 2019 – 2:00 P.M.**

The Planning & Zoning Board of the Town of Holden Beach met for their Regular Meeting on Tuesday, January 15, 2019 at 2:00 p.m. in the Town Hall Public Assembly. Present were Chairperson Vicki Myers; Vice Chairman Mark Fleischhauer; Regular Members Tracey Thomas, Greg Shue and Bob Hunter; Alternate Members Woody Tyner and Planning Director Tim Evans.

ROLL CALL

Pete Pallas was an excused member.

PUBLIC COMMENTS ON AGENDA ITEMS

No comments were made.

APPROVAL OF MINUTES OF DECEMBER 18, 2018

Vice Chairman Fleischhauer stated that he wanted to commend whomever did the minutes, they did a thorough job.

Change the date in the first paragraph to December 18th.
Woody Tyner was absent and Greg Shue was present.

Member Shue made a motion to approve the minutes with changes. Seconded by Member Thomas and approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON PROPOSED WATER TOWER

Chairman Myers stated that she felt that after questions from Right Angle Engineering and the Fire Chief that the report was preliminary, she had more questions than answers. It's not even clear what the size of the main line is that crosses over at Seagull Street. She does not think that it is clear if another tank is even needed. We meet the state requirement, a new tank would not improve our insurance rate. His report was based on worse case, July 4th weekend, no water restrictions and receiving no water from the county.

Chairman Myers recommends that this Board send a memo to the commissioners advising a phased approach. The first phase is to hire an engineering firm that is experienced in water systems and elevated storage tanks before the issue proceeds. Right Angle Engineering said that they have never done one of these; this would be the first one.

She feels that larger homes should be sprinkled. Vice Chairman stated that he did not think that we could require certain houses to be sprinkler system and not others.

Planning Director Evans stated that Ocean Isle and Leland needed their extra water towers because of the high rises that require so much water. The county still has large areas that operate off of wells so at what point do you need a water tower. A water tower is not a life safety device. He feels the question that should be asked is at what threshold we need another water tower.

The Planning and Zoning Board agreed that Chairman Myers should draft a memo to send to the Board of Commissioners stating that a qualified, experienced engineer firm should be hired to do a study to determine at what point we would we need a water tower. This will go to the Board of Commissioners for next month.

Chairman Myers stated that the commissioners did not hire Right Angle Engineering, they are our engineer on record.

Member Thomas stated that it reads in the report that Town Manager Hewett asked Right Angle to investigate it. They have never done a water tower and have no experience with water towers.

Planning Director Evans stated that every civil engineering firm has their specialty.

DISCUSSION AND POSSIBLE ACTION ON LARGE HOMES

Chairperson Myers stated that up north is having the same issues that we are with mega houses. Vice Chairman Fleischhauer asked what issues we are currently having. Chairperson Myers stated that she feels they increase the need for services related to public safety, fire prevention, traffic congestion and increases the city noise. She named issues that we were facing in 2014 and 2015. Vice Chairman Fleischhauer stated that he feels that we should focus on what clear issues we are having and not that mega houses are just bad. He feels that the 2015 problem was driven by the neighbor and noise.

Chairman Myers stated that House Bill 425 does not allow for a city to limit bedrooms. The new houses that were constructed at the end of the bridge were discussed. It was noted that one of those have 11 bedrooms. Planning Director Evans stated that this house is long and narrow and is 178 square feet smaller than Chair Myers' current house. There is no limit on occupants in a bedroom. There is no way to limit how many people can go in and out of a house. If you want to regulate then let's do it in a way that is equitable and not taking of property. Some of these articles have already been to court and are being compared to the Salem witch hunts. How is a 4,000 square foot house with 11 bedrooms and 11 parking spaces creating more parking problems than those seven multifamily homes that have 12 bedrooms per dwelling that have less than 4,000 square feet and there are 13 in a row?

Planning Director Evans stated that he has not had any credible complaints about a big house since he was released from the hospital two years ago. One question that was asked was if they have enough parking. He said that if you think big houses are creating a problem for the future

then you may want to pursue this, but be advised that this has not been challenged in the court yet.

Member Shue stated that the only way he knows is if it's not in compliance with the sewer system.

Chairman Myers stated that she thinks the three houses at the end of the bridge are large homes. Member Thomas stated that she thinks it's not how big it is but how it's used. Planning Director Evans said that you are going to run into that person that says you are limiting the size of his house with a few family members, they may be 5,000 square feet or larger.

Member Tyner stated that he agrees with Vice Chair Fleischhauer, if there is an issue we need to better define what the issues are before we try to solve the problem.

Planning Director Evans stated that a house could be a rental and can house 100 people. If a full time resident has the same size house then it can also be sold and still house 100 people. We can't limit the number of bedrooms, but can limit the sizes of parking areas. Member Shue stated that in a capitalist society you are not going to be able to limit rental homes. Member Thomas said that is what we are trying to do and use the code.

Chairperson Myers stated that Duck is limiting by fixtures and water usage.

Member Hunter asked if this all started over parties and noise. Member Shue answered yes.

Member Fleischhauer stated that there are gated communities on this family beach. He is wondering why these gated communities don't sort this out among themselves. If someone decides to build a house for 26 family members to use for once a year for two weeks, are you saying this is not the place to do that? Member Thomas stated yes, that is correct. They can go and rent the one that is already built.

Planning Director Evans stated in North Carolina it has always been acceptable to be poor and live in a small house. You didn't have to limit the number of babies that you have to live in a small house.

The board discussed the tasker and decided to send a memo to the Board of Commissioners that it is feasible that there are techniques to explore with size limitations and additional restrictions with special use permits. Planning Director Evans stated that he was interested in what the Town Attorney thinks.

The board discussed large homes at length. They looked at Southern Shores Ordinance then decided to recommend:

#1. Rear yard setbacks of homes greater than 4,000 square feet should be 25 foot rear yard setback, homes larger than 5,000 square feet should be 30 foot rear yard setback and maximum size is 6,000 square feet.

#2. Use our existing ordinance, 31 feet from the DFE.

#3. 30% lot coverage for structures up to 4,000 square feet, decided to put this one hold. Planning Director Evans will review.

#4. Take out

#5 Take out

#6 Change parking space to 10'x20'.

Planning Director Evans said that he would send this to Attorney Fox and ask her if she thinks it workable.

Regular Member Shue made a motion for Chairperson Myers to send a memo to the Board of Commissioners saying yes there are techniques that can address some of these concerns. We recommend a hard size of 6,000 square feet. Starting at 4,000 square feet there will be additional changes. Approved by unanimous vote.

Chairperson Myers stated that she will send everyone a copy once the memo has been drafted.

DISCUSSION AND POSSIBLE ACTION ON COMMERCIAL ZONING ORDINANCES.

Chairperson Myers stated that the commercial zoning district ordinance has not been updated for a long time. All zoning ordinances should be changed from time to time. We have very little commercially zoned properties on the island.

There is a large piece of commercial property currently for sale on the island. Any changes to the zoning code after a permit is applied for and granted will not apply. Chairman Myers asked if a moratorium could be put on the commercial zone. Planning Director Evans said that he would ask Attorney Noel how long a moratorium could exist.

Planning Director Evans stated that once an application has been submitted then future zoning ordinances changes do not apply. He stated that other than the CAMA rules our commercial zoning rules are nonexistent. Usually commercial zoning is much more protective of surrounding residents, ours is not. There is a reason you should have buffers in commercial districts. Maybe look at the ordinances for Leland and Calabash areas that have just started growing and working their ordinances. The League maybe could send someone down here to help with this portion of the ordinances.

Member Thomas made a motion to send a memo to the Board of Commissioners that the Planning and Zoning Board suggest that a moratorium be put in place for the commercial zone until deficiencies are corrected. Seconded by Member Tyner. Approve by unanimous vote.

Planning Director stated that the staff was recommending this also. He stated that he would get in touch with Attorney Fox for details.

DISCUSSION AND POSSIBLE ACTION ON MEETING SCHEDULE DATES AND TIMES

Chairperson Myers stated that we have full agendas for the Planning & Zoning Board meetings and suggested we change our time to 2:00 p.m. on the original 4th Tuesday dates. When there is a Land Use Plan meeting, add a Planning & Zoning meeting two weeks prior.

Member Tyner made a motion to approve the new Planning & Zoning dates of February 12th, March 26th, April 9th, May 28th, June 11th, July 23rd and August 13th at 2:00 p.m., then go back to original schedule; Seconded by Member Shue and approved by unanimous vote.

COMMENTS

Chairman Myers said that there is a Land Use Plan meeting next week.

ADJOURN

Member Tyner made a motion to adjourn; seconded by Member Thomas and approved by unanimous vote.



Secretary, Rhonda Wooten