

**PLANNING AND ZONING COMMISSION  
MINUTES  
August 4, 2009**

<b>ATTENDEES:</b>	<u>Members</u>	<u>Staff</u>
	Pam Buckley	Blaine Smith
	Peck Miller	Maggie Fussell
	Lauren Taylor	Will Esham
	Tom Singman	
	Chris Shanahan	
	John Staley	

**I. CALL TO ORDER** – 6:00 p.m.

**II. ELECTION OF OFFICERS**

**MOTION/Taylor**                      **SECONDED/Singman**                      6-0 IN FAVOR to continue with the same slate of officers: Pam Buckley as Chairperson and John Staley as Secretary.

**III. APPROVAL OF MINUTES**

Minutes of April 21, 2009 and May 19, 2009.

**MOTION/Miller**                      **SECONDED/Singman**                      6-0 IN FAVOR to approve as submitted

**IV. DISCUSSION**

1. Informal discussion regarding revisions to the development plan for the 45th Street Village Planned Overlay District.  
APPLICANT: Forty-Fifth Street Village LLC c/o Avi Sibony

Keith lott, architect for the developer, described to the Commission the proposed revisions to the development plan for 45<sup>th</sup> Street Village planned overlay. The overall building footprint is greatly reduced from the original approved plan. There will be two tower buildings on the bayfront separated by an open plaza creating a bay vista. The northerly hotel tower will be 12 stories in height and the southerly tower (may be hotel or condominium, to be determined at a later date) will be 17 stories in height. The density will remain the same as originally approved.

**MOTION/Taylor**                      **SECONDED/Staley**                      6-0 IN FAVOR to accept revisions as minor in nature.

2. Resort Homes requesting an extension of time for site plan approval for a nonconforming project located at 111 – 73<sup>rd</sup> Street in order to obtain a building permit.

**MOTION/Singman**                      **SECONDED/Taylor**                      6-0 IN FAVOR to approve 18-month extension of time to February 10, 2011 to obtain a building permit for the plans approved on 6/11/07. Any revision to the plans must be brought back to the Commission for their review and approval.

3. Update on issues.

A. State Highway Property Acquisition for Equipment

New federal regulations require State Highway to now acquire property for equipment location as fee simple right of way, typically less than 100 square feet, which could effect density. Question has been raised whether the loss of this square footage should be waived as far as density is concerned.

**MOTION/Miller**                      **SECONDED/Shanahan**                      6-0 IN FAVOR to schedule public hearing

B. Comprehensive Plan

The two new elements required by the state, Water Resources and Municipal Growth, have been drafted by staff and are currently being reviewed by state agencies. A public hearing on the additional elements will be scheduled for September 15, 2009.

C. Residential Uses in Commercial Zones

Mayor and City Council has postponed discussion on the Commission's recommendation concerning residential uses in commercially zoned districts until the fall.

**V. PUBLIC HEARING**

1. **CODE AMENDMENT** - To amend Section 110-884 OUTDOOR DISPLAY OF MERCHANDISE STANDARDS for properties fronting on Atlantic Avenue (Boardwalk), by adding Subsection (a)6 as follows:

6. PROHIBITED ITEMS: unclothed mannequins; promotion of alcohol, illegal drugs and paraphernalia, tobacco products; firearms; knives, offensive adult materials; products containing or displaying profanity, sexually explicit messages, or obscenity; sound amplification arranged or directed towards the outdoors and/or located outdoors; and flashing lights.

And by amending Subsection (b)18 as follows:

18. PROHIBITED ITEMS: hanging of display items from overhead canopies, awnings, porches, doors or other parts of the building; unclothed mannequins; promotion of alcohol, illegal drugs and paraphernalia, tobacco products; firearms; knives, offensive adult materials; products containing or displaying profanity, sexually explicit messages, or obscenity; sound amplification arranged or directed towards the outdoors and/or located outdoors; and flashing lights.

APPLICANT: PLANNING AND ZONING COMMISSION – File #09-14100003

Zoning Administrator Blaine Smith explained the proposed amendment to the standards for outdoor display of merchandise. Testimony was offered by Laura Simmons, a retail merchant on the Boardwalk, concerning the outdoor display regulations.

**MOTION/** Taylor                      **SECONDED/** Miller                      6-0 IN FAVOR to  
forward a favorable recommendation to the Mayor and Council for adoption of the  
amendment

**VI. ADJOURNMENT** – 7:40 p.m.

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John Staley, Secretary                      Date