

CAROLINA BEACH

Planning and Zoning Minutes
Thursday, February 13, 2020 @ 6:30 PM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

ASSEMBLY

The Town of Carolina Beach Planning and Zoning was held on Thursday, February 13, 2020 at 6:30 PM at Council Chambers.

PRESENT: Keith Bloemendaal, Deb LeCompte, Wayne Rouse, John Ittu, and Jeff Hogan

ABSENT: Mike Hoffer and Melanie Boswell

ALSO PRESENT: Director of Planning & Development Jeremy Hardison

. CALL TO ORDER

Chairman Bloemendaal called the meeting to order at 6:30 P.M.

. APPROVAL OF MINUTES

Planning & Zoning - January 9, 2020 Meeting Minutes.

- a. Commissioner LeCompte made a motion to accept the minutes as submitted.
Commissioner Ittu second, all were in favor (5-0).

. STAFF REPORT ON RECENT COUNCIL MEETINGS & STAFF REPORT ON RECENT DEVELOPMENTS

Mr. Hardison reported on recent council meeting and recent developments -

Town Council -

- CUP CB Marina & Yacht Club – no decision made - (The applicant may appeal)
- LPBS Speed Limit reduced from 35mph to 25mph - (from Sumter Ave to Alabama Ave) – Passed
- Driving on Boardwalk – Passed
- Watershed Plan - Adopted

Permitting

- 81 Permits (renovation, repair, grading, additions, fence)
- 16 Residential New Construction
- 10 Certificates of Occupancy
- 4 Demos

Code Enforcement

- 19 Complaints Received
- 11 Resolved

Demolition

1213 Canal Drive
1615 Bonito Lane

New Business

Nancy Jo's • 8 Pavilion Unit 7
Polar Bear Beach Games • 6 Harper

- Permits Issued-
A+ Nails • Smoothie Bar

Coming up -

- CUP – 522 N. 7th Street PUD
- Private Parking Lot Regulations
- Text Amendment: Nonconforming Structures
- Text Amendment: Sign Ordinance Overhaul

Staff Activities -

- Staff attended a UNC School of Government presentation on the update to the NC GS
- Staff will be working to update the ordinance to reflect the changes in NCGS 160D
- Staff attended another SE Hazard Mitigation Plan Meeting
- Will be working to help review and update the 2020 LUP

PUBLIC DISCUSSION

Chairman Bloemandaal opened the public discussion for the Land Use Plan. We would like to have a public workshop set up for this to be better prepared.

Karen Graybush lives at 518 Sumter Ave. There is some discussion in her office regarding the LUP and is looking forward to the workshop for clarity, one of her concerns is the lot sizes. Chairman Bloemandaal asked her to reach out to Sherry Pridgen, the president of the Cape Fear Realtor Association, to have her email comments to Mr. Hardison regarding their concerns. She will get in touch with Ms. Pridgen for her feed back.

Commissioner Rouse stated the more people that attend for public comment the better aware they all will be. Added that P&Z is only a recommending board, it is up to Town Council to make the final decision.

Phillip Williams lives at 101 Moorefield Dr, he is concern with the addition to the Bryant Real Estate building and would like to see some type of fencing. Added, would like the town to look into the gravel street and the town-traffic due to the pumping station that is in his neighborhood. He doesn't have any issues with what Bryant is requesting.

Chairman Bloemandaal stated that the Bryant Real Estate item is a CUP and any statements made regarding that would need to be sworn statements due to the quasi judicial laws that need to be followed but if he wanted that to be on record he would have to come back up and be sworn in when the items is addressed. He added that he would need to contact Brian Standberry in operations regarding the street issue or contact Jeremy Hardison.

DISCUSSION ITEMS

- a. Consider a Conditional Use Permit located at 1012 S. Lake Park Blvd for a 2 unit detached Business Planned Unit Development Applicant: Ralph Roof

Mr. Murphy reported on this CUP for 1012 S. Lake Park Blvd - Business Planned Unit Development. The applicant did complete a recombination plat to be used for the proposed parking area. The adjacent properties are 1016 S. Lake Park Blvd Carolina Sands HOA and the Spot Restaurant 1006 S. Lake Park Blvd. Business PUD's are permitted in R-2 based on a Council decision in October of 2019.

Design -

- Landscaping buffer has been met in all areas excluding pre-existing building/patio footprint and adjacent to the proposed structure
- Handicap and access to public ROW is sufficient per building inspector
- Drive aisles and parking meet standards with the inclusion of golf cart parking in two different locations.

Staff recommends the approval of the proposed Business CUP.

Commissioner Rouse asked regarding the change that needed to be made. Mr. Murphy replied the applicant came back with a new application with a site plan that meets all the standards.

Chairman Bloemandaal stated the issue before was the landscaping buffer correct, Mr. Murphy replied yes.

George Pinkston is a resident of Pleasure Island and has an architectural planning business in Wilmington North Carolina and is representing Mr. Ralph Roof. We have submitted the proposal a few times and with the last submittal we have met all the requests from council, this board and staff. And can answer any questions the board may have.

No one signed up to speak.

Chairman Bloemandaal made a motion to close the public hearing.
Commissioner Rouse seconded, all were in favor (5-0).

No discussion due to the landscape buffer issue has been met.

ACTION: Commissioner Rouse made a motion to approve the CUP in accordance with the draft grant order and that the proposal meets the 7 specific standards and the 4 general conditions, if developed according to the plan as submitted and approved. Chairman

Bloemandaal seconded, all were in favor (5-0).

Vote: UNANIMOUS

- b. Consider a Conditional Use Permit located at 1230 N. Lake Park Blvd for a Business Planned Unit Development Applicant: Bryant Real Estate Investments, LLC

Commissioner LeCompte recused herself because she provides laundry services for Bryant Real Estate. Chairman Bloemandaal explained the recusing process for a CUP to the newer members. You can't recuse yourself just because you want to there has to be an actual lawful reason. The vote to recuse her was unanimous (4-0).

Mr. Murphy reported on this CUP for a Planned Unit Development at 1230 N. Lake Park Blvd. In the Highway business district conditional use permits are permitted for business planning use developments, and they have to meet specific standards. Based on the proposed development of office and warehouse space including the existing office space they are required to have 23 parking spaces and are providing such with 3 handicap spaces. The adjacent properties are commercial and residential, at 1300 Lake Park Blvd N and 1206 Lake Park Blvd N as well as residential at 100-103 Moorefield Dr.

General Conditions -

- Business PUDs are permitted in HB and the zoning standards are being followed.
- The proposed CUP meets all required conditions.
- They are not asking for any waivers or modifications.
- The proposed use will conform with the HB zoning district and be buffered from adjacent residential uses.
- Is in line with the current and future Land Use Plan in the commercial one zoning district.

Specific Standards -

- Ingress and egress will be via Risley Rd.
- Parking will be based off the parking requirements for office and warehouse space.
- 1 per 300ft² of office and 1 per 5000ft² of warehouse for a total of 23 parking spaces.
- Trash service will not be altered.
- Stormwater and utilities will be dealt with by standard methods.
- There will be a minimum of a 10' landscape buffer around the second building and 5' around the preexisting structure.
- No additional signage is proposed at this time.
- Any new signs would have to comply with the sign ordinance.
- There is no require yard or open space beyond general zoning standards for a residential PUD.
- Minimum of 15' between structures.
- Minimum of 10% of open space.
- Below maximum of 60% lot coverage.

Proposed set backs -

- Rear - 25' - (10' will be landscaped)
- Side - 25'

Staff recommends the approval of the CUP.

Questions for Mr. Murphy -

Commissioner Rouse asked what the square footage of the impervious surface. Mr. Murphy explained that the proposed will be 4,000 square feet.

Chairman Bloemendaal opened the public hearing.

Colin Tarrant is an attorney with Block, Crouch, Keeter, Behm & Sayed and is here on behalf of the applicant Bryant Real Estate along with Mark Bryant as well as Phil Trip with Trip Engineering. We are requesting a Conditional Use Permit to build a two unit business PUD with an existing and proposed office and warehouse space building. We have met the Specific Standards as well as the General Conditions. Both Mr. Bryant and Mr. Trip are here to answer any questions.

Commissioner Rouse asked have any environmental testing been done because of what was there in the past and would you be opposed to testing. Mark Bryant is the owner/operator of Bryant Real Estate located at 1230 North Lake Park Blvd. There were impact studies done for soil composition but not environmental. He would not be opposed and stated the whole lot has been turned over as far as the stormwater because they treated for underground stormwater retention for the entire square footage of the lot. And added that underneath the parking lot there is a giant underground water tank.

Philip Williams lives at 101 Moorfield Dr. is happy with what they have already done but would like to see a fence in place in the rear between the residential homes and the proposed property. Mr. Murphy stated there isn't a fence proposed or required but there will be 10' of substantial landscaping. A fence is something the board could consider requesting from the applicant but not required. He asked if there will be any driving in the area. Mr. Bryant stated that they are planning on building a fence and there won't be any driving.

Chairman Bloemendaal made a motion to close the public hearing, all were in favor.

Commissioner Rouse is happy with this property and feels it's aesthetically pleasing.

Chairman Bloemendaal asked why is this a required CUP. Mr. Murphy replied because it's a PUD.

ACTION: Chairman Bloemendaal made a motion to approve the Conditional Use Permit located at 1230 North Lake Park Blvd for a planned business unit development it's in accordance with a draft grant order and that the proposal meets the 7 specific standards and the 4 general conditions, if developed according to the plan as submitted and approved.

Commissioner Ittu seconded, all were in favor (4-0).

Vote: UNANIMOUS

c. CAMA Land Use Plan Draft Review

Chairman Bloemendaal stated we will not be reviewing the 2020 CAMA Land Use Plan draft as an agenda item but will discuss it as a Non-Agenda Item.

NON-AGENDA ITEMS

Chairman Bloemandaal reported as a group they decided to set up a Workshop so to spend more time discussing, researching and to get more feed back from the residents and business owners. Also there are legal issues that need to be considered, this is a ten year plan. Stated that in the future making any changes in the Land Use Plan is not an easy process so they want to get it right the first time.

Commissioner Rouse raise a good point where this process has been going on for over a year and the meetings never seem to resolve any questions that are brought up before another one is even answered. Chairman Bloemandaal asked Mr. Hardison what are the rules regarding a P&Z Workshop. Mr. Hardison replied it is up to the board on how they want to run the workshop, either open it up to the public or just a discussion with the board. Chairman Bloemandaal wants the public involved but at the same time doesn't want it to take more time then it already has. Commissioner LeCompte suggested the public discussion be at the P&Z meeting after the workshop.

Karen Graybush lives at 518 Sumter Ave suggested making a schedule for certain topics and block out a time period for the public to speak at the end but have them submit their questions in advance for review. Also feels the changing of the lot size issue is a big issue for a lot of residents and needs to match our zoning laws.

Chairman Bloemandaal asked the board with the fact that we have 3 board members on P&Z from the LUP Steering Committee, should we have our own official meeting and have the questions or concern in writing before, so they can discuss them.

Mr. Hardison added the only requirement is that you will have to have a public comment scheduled if action is taken. We could send out an email to ask the board members for their availability. The purpose of this meeting will be for the P&Z members only, to give staff clear direction on any modification to the plan and bring back to P&Z for review with any proposed changes to then forward the plan to Town Council.

Commissioner Rouse made a suggestion he is all for public comments and we have already had a lot of public input but feels we should wait to the end to have the public speak. Commissioner Hogan agrees with him about having the public wait. Feels this meeting needs to have a format and to stay on track and added that P&Z isn't the final decision for the LUP it's Town Council.

Commissioner Hogan added that as a committee we can fix the errors and to know the end result is great.

Chairman Bloemandaal stated he has formally made a decision, he is not asking to be reappointed to this committee in June. He's been involved since 2013 and has enjoyed it and all the people he's had the opportunity to work with, feels this is a great group of people. He has a lot going on in his personal life that he wants to pay attention to.

ADJOURNMENT

Chairman Bloemandaal made a motion to adjourn at 7:21 PM, all were in favor (5-0).