

CAROLINA BEACH

Planning and Zoning Minutes
Thursday, June 13, 2019 @ 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, June 13, 2019 at 6:30 PM at Council Chambers.

PRESENT: Keith Bloemendaal, Mike Hoffer, Wayne Rouse, and John Ittu

ABSENT: Interim Town Manager Ed Parvin, Deb LeCompte and Melanie Boswell

ALSO PRESENT: Director of Planning & Development Jeremy Hardison

. **CALL TO ORDER**

The meeting was called to order at 6.:30 p.m. by Chairman Bloemendaal .

. **APPROVAL OF MINUTES**

Planning & Zoning - April 11, 2019 Meeting Minutes.

- a. Commissioner Ittu made a motion to approve the minutes.
Commissioner Rouse seconded, all were in favor (5-0).

. **STAFF REPORT ON RECENT COUNCIL MEETINGS**

Mr. Hardison reported on the recent Council Meeting held on June 11, 2019.

The meetings have been very budget heavy, they did approve as recommended by this commission to expand Superior Auto. They also tabled the appointees for the board committees but there was no explanation as to why but it will be on the July agenda.

. **STAFF REPORT ON RECENT DEVELOPMENTS**

Mr. Hardison reported on the recent activities in the Planning and Development Department.

Staff Update - June 13th, 2019

Permitting

78 Permits (renovation, repair, grading, additions)

11 Residential New Construction

3 Commercial New Construction

7 Demolition Permits

38 Certificates of Occupancy

Code Enforcement

42 Complaints Received

18 Town Observed

22 Resolved

New Businesses -

Publix – Opening Soon - they are putting the finishing touches on - target opening June 26th.

Demolition for 235 CBAN for Guy Johnson. One building on the north maybe salvageable and their short-term plans are oceanfront parking lot. Several private parking companies have approached the owner but they haven't made a decision yet on how they will be managing it. Chairman Bloemandaal asked although this is a non-agenda item have there been discussions on not allowing private party companies to run parking lots. Mr. Hardison replied we have worked with these companies to make sure they know and the people of the town know that our decals are not honored in their lots. In 2007 we did allow in the CBD only private parking lots for profit. This hasn't been revisited but this year we have the most we've had in the past. Commissioner Rouse asked if the town has had discussions with the owners on collaborating with the town. Mr. Hardison replied yes they have but not sure where those discussions are at this time.

Demolition – 1415 LPBS - they are looking to redevelop this property.

In the Michael's Seafood shopping center is Scoopin' Yummies ice cream.

Crush & Grind – Reopened from the storm!

LUP Steering Committee

- Public Open House:
- July 16th
- Town Council Chambers
- Website: •www.carolinabeachcamaupdate.com

Watershed Stakeholder Meeting

June 6, 2019

The North Carolina Coastal Federation hosted a stakeholder meeting for the Watershed plan they are working on with the Town.

It was attended by some public, staff, NCCF, CFCOG, and a watershed engineer consultant.

Special Events - July

Double Sprint Triathlon - Saturday 13th 7:00 AM – 10:30 AM

Got-Em-On King Mackerel Classic - July 12-14

CB Swim - Sunday 14th 8:00 AM – 10:00 AM - Starts at Alabama Ends at Hamlet

PUBLIC DISCUSSION

Chairman Bloemandaal opened the public discussion and sworn in all to speak.

- a. Conditional Use Permit: Consider a Conditional Use Permit for a 6-unit Planned Unit Development consisting of 3 two-family dwellings located at 409, 411 & 413 Carolina Beach Ave N. Applicant: Steve Shuttleworth

Mr. Hardison reported on the CUP for 409, 411, & 413 Carolina Beach Ave N.

The Previous use on this 22,000 250 square foot property was a hotel. The hotel was demoed a few years ago and the property has changed hands. This was subdivided into three lots and met the lot size in the T1 Zoning district. Two permits were issued for two of the units but the owner wanted to put in a pool which has specific setbacks from the property lines and structures cannot overlap the property line. This pool would extend past those lines. The approval process through the ordinance would be a plan unit development. This is going through a conditional use permit because of the change to remove the property lines and constructing a pool in the rear of the property. The adjacent uses East is the Beach House Inn which has a pool in the front. South is parking for the Beach House Inn. North is a four unit structure and to the West behind is a vacant and also a two family dwelling. T-1, Tourist District.

(1) Purpose. This district is established to provide land for the town's tourist industry, and as a complementary district to the CBD Central Business District.

(2) Intent. The primary land uses intended for this zoning district are moderate- to high-density residential development, as well as hotels, motels and restaurants.

The T-1 zoning district allows for single-family, two-family, multifamily, hotels and offices. This is the highest density of the zoning districts. The density allows for 29 units per acre. The size of this lot would yield 15 units which is 22,250 sq. but the applicant is only requesting six units.

Existing in this area are -

14 Single-family

7 Vacant lots

6 Multi-family

5 Motels

1 2-unit building

Specific Standards - Applicant must make provisions for:

(1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

The applicant is proposing a driveway off of Carolina Beach Ave N. for each town home.

(2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;

Each unit will have four parking spaces

(3) Refuse and service area, with particular reference to the items in (1) and (2) above;

The applicant is proposing roll-away trash containers.

(4) Utilities, with reference to locations, availability, and compatibility;

The stormwater runoff will be diverted to Carolina Beach Ave N.

(5) Screening and buffering with reference to type, dimensions, and character;

The applicant will be providing a 5' landscape buffer. Request to construct a 6 ft. fence along the side property lines in the front yard.

(6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

No signs are proposed.

(7) Required yards and other open space and preservation of existing trees and other attractive natural features of the land; The required setbacks for the T-1 district is 20' front, 7.5' side, and 10' rear.

The applicant is meeting the setback requirements.

General Conditions -

(1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;

The modification will have to meet all federal, state and local safety and regulatory requirements.

(2) That the use meets all required conditions and specifications;

The project meets the required setbacks, height and lot coverage requirements.

(3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and the project will be reviewed in accordance with all local, state, and federal regulations.

The project is consistent with the density in the area and with the adjacent uses in the area.

(4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Town Land Use Plan and Policies.

The project is in general conformity with the 2007 landuse plan and is consistent with the zoning ordinance. The desired Future Land Use of this area includes a future predominance of single-family and duplex units. A ratio of roughly two-thirds residential to one-third commercial is desired.

There were no questions for Mr. Hardison from the board.

Ned Barnes resides at 814 Carolina Beach Ave North, he represents ERS Investment, LLC. He spoke regarding the previous owner of the motel Shirley Roth and this property. The property was condemned by the town which went into foreclosure. He stated Mr. Hardison is correct that it is currently zoned and meets all the specific conditions and requirements of the town as well as meets the Four General Conditions. There is an issue raised regarding the pool Mr. Hardison stated that by right there could be three pools one for each lot. We are proposing one pool to service all of the units. There will be an owners association and he has discussed specific hours for the pool to be opened with the developer which would minimize the activity.

There were no questions for Mr. Barnes from the board.

Fred Holland resides at 412 Canal Drive Units A & B. He has a lot of concerns regarding this project which would be the noise level. Said he had receive a letter but stated there was no mention of a pool regarding this project especially the size of this one. Feels this was something he should have been made aware of from Mr. Shuttleworth who he had spoke with regarding the project. He and his neighbor that will be building at 415 Canal are both very concerned about the pool noise. There is already a motel across the street with a pool and the noise emanates from the pool but they do close it at nine o'clock. Stated when the Seagull (the former hotel) was in business the pool was in the front of the property. He would like the board to consider his concerns.

Commissioner Kennedy asked for confirmation on the fact if there were three pools in place would there be a requirement for an HOA.

Mr. Barnes replied there are no requirements for an HOA.

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

Chairman Bloemandaal agrees with Commissioner Kennedy and values Mr. Holland's concerns. He feels the contractor is doing something better than just make the biggest buck he could, he's only building three units with a pool and it could be 15 units combined. We are a recommending board we do not pass or fail these items.

Commissioner Rouse agrees and is very sympathetic to Mr. Holland's concerns and understands the issue with an HOA that there would be bring more comfort for the neighbors. But there are also other issues for the builder when it comes to having an HOA which Mr. Barnes maybe able to explain such issues.

Commissioner Ittu asked Mr. Hardison regarding the approval on the 4th general conditions, this would be IN harmony with the area. Mr. Hardison replied yes.

Commissioner Hoffer feels they have every right to build 3 duplexes without this process.

Mr. Holland asked Mr. Hardison will there be a fence behind the pool where the landscape will be located. Mr. Hardison replied yes they are proposing a 6' wood fence. They will also have to enclose the entire pool with an additional fence due to pool regulations.

Commissioner Kennedy for the record wanted to add there is a great concern about stormwater, pervious and impervious surfaces. She would like the developer to research the recycling of stormwater and pervious surfaces for their driveways.

ACTION: Chairman Bloemandaal made a motion that we approve the conditional use permit for a PUD consisting of 3 two family units two family dwellings located at 409, 411 and 413 Carolina Beach Avenue North. The use meets all required conditions and specifications, location and character of the use developed according to the plan as submitted and approved will be in harmony with the area in which is located and general conformity with the town land use plan and policies.

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

Vote: UNANIMOUS

DISCUSSION ITEMS

Commissioner Rouse stated he will not be in attendance for the August P&Z Meeting, he will reply to the August agenda as such.

NON-AGENDA ITEMS

Chairman Bloemandaal asked the commission if they would be opposed to revisiting how the parking lots are run in our town. He is not normally in favor as well as Mr. Hoffer, of telling people how to run their property but feels the conformity of our parking is difficult when you have so many new lots popping up and with different companies running them.

Commissioner Kennedy feels the emphasis needs to be on conformity so we don't get in a long detailed discussion of private property use, we need to be very direct.

Mr. Hardison replied we can bring back some options.

ADJOURNMENT

Commissioner Kennedy made a motion that we adjourn this meeting.

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