

CAROLINA BEACH

Planning and Zoning Minutes
Thursday, March 14, 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, March 14, 2019 at 6:30 PM at Council Chambers.

PRESENT: Keith Bloemendaal, Deb LeCompte, Mike Hoffer, Wayne Rouse, Melanie Boswell, and John Ittu

ABSENT:

ALSO PRESENT: Director of Planning & Development Jeremy Hardison and Interim Town Manager Ed Parvin

. CALL TO ORDER

Meeting was called to order at 6:32 p.m. by Chairman Bloemendaal.

. APPROVAL OF MINUTES

Planning & Zoning - February 14, 2019 Meeting Minutes.

- a. Commissioner LeCompte made a motion to accept the minutes as submitted.
Commissioner Rouse seconded, all were in favor (7-0).

. STAFF REPORT ON RECENT COUNCIL MEETINGS

Mr. Parvin reported on the recent Council Meeting from March 12, 2019.

There were no Planning items on the agenda, but there was an ordinance for the flooding of our streets. The plan is to put this ordinance in place when flooding occurs, for local traffic only and hoping to adopt that at our workshop on March 26, 2019. There wasn't a hearing for Harris Teeter but there was a legislative item to extend their CUP to April 11, 2020 which was unanimously approved. We are finishing up with our Carolina Beach Nourishment Project, the sand will be pumped from the inlet onto the beach which will start at the North End Pier clear to Alabama. This project is beneficial for the inlet as well as the town. They will move to Kure Beach next and will pump off shore but may cause delays due to the seas. They are trying to avoid the turtle season. Commissioner Hoffer asked about the Beach Rake, do we still have that in place. Mr. Parvin replied yes we do but we would need the approval from CAMA.

. STAFF REPORT ON RECENT DEVELOPMENTS

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

STAFF UPDATES - Thursday, March 14, 2019

Council Meeting:
Harris Teeter CUP extended to April 11, 2020
Traffic Ordinance for flooded streets
Beach nourishment

Permitting -

28 Permits (renovation, repair, grading, additions)
6 Residential New Construction
2 Demolition Permits
4 Hurricane Repair Permits
10 Certificates of Occupancy
Code Enforcement - 14 Complaints Received

New Businesses Permits -

Dutch Built Homes - Relocating 1401 N. Lake Park unit 24 & 26
Elite Design & Build - Surface Cabinetry & Flooring 1335 Bridge Barrier
Island Message & Spa - 1204 N Lake Park Blvd.
Shake N Waffles - 1206 N Lake Park Blvd unit G
Amusement Rides - late April/early May

LUP Steering Committee -

Next Meeting: Tuesday, March 19, 2019 6pm Town Council Chambers
Website: www.carolinabeachcamaupdate.com

Contractors Meeting - March 27th at 9:00 a.m.

CAMA
Permit Submittal Requirements
Site Plan Requirements
Commercial Submittal/Inspections
Building Code Changes
Site Maintenance/Working Hours
Drainage /Utilities
What are we doing wrong?

Committee Training - Thursday, March 21st at 6:00 p.m.

Mission of the committee
The role of the Chair
The role of the staff liaison
The role of the council liaison
Open Meetings Law (noticing requirements, closed session requirements, taking minutes, attendance, etc.)
Social Media – Speaking on behalf of the Town vs speaking as a citizen
Are committee members considered public officials?
What committees need a council liaison?
Quasi-judicial hearing

Regional Board Workshops for Planning and Development Regulation– May 16, 2019

The School of Government - workshop for boards making quasi-judicial development decisions.

PROJECT UPDATES –

Cape Fear Blvd. MUP: Street light installation by Duke Progress in process this week; completion next week for the last 3 blocks of the MUP from 6th St. to Dow. Rd

Island Greenway: All construction completed this week. Finalizing plans for soft opening next week pending MOTSU approval. Ribbon cutting scheduled for Saturday, April 20 at Mike Chappelle Park.

Clarendon Ave. MUP: Received approval by the Wilmington MPO Board TASA Grant for \$546,000 for development of .5 mile multi-use path along Clarendon Ave. from 4th St.CB Elementary Mike Chappelle Park/Dow Rd.

Special Events -

March 16Annual Steve Haydu St. Patrick’s Day Lo Tide Run

March 23Public Safety Day – Ft Fisher

March 30Turn the Tide

April 13 & 14Annual Pleasure Island Seafood Blues and Jazz Festival – Ft Fisher

April 1st – Permit parking starts

PUBLIC DISCUSSION

No one signed up for Public Discussion.

- a. Conditional Use Permit - Consider a Conditional Use Permit for Wake N Bake to serve alcohol located at 1401 N. Lake Park Blvd. unit 46. Applicant: Daniel Tangredi

Mr. Hardison reported on the CUP for Wake N Bake to serve alcohol. It is currently an eating establishment, nothing is proposed to change outside the footprint, floor plan will remain the same. They may add a cooler and storage for the beverages. The requirements for a bar/tavern are if not a standard restaurant then it would be considered a bar and the establishment would have to have a 200' distance requirement to any church or school, or 200' from any residential district. Which this location meets all the criteria. This ordinance would have to pass with 7 specific standards which relates to requirements and 4 general conditions which relates to the approval and all have been met. And if denied the it would need be linked to one of the 4 general conditions.

Chairman Bloemandaal asked what classifies this as an eating establishment and not a bar. Mr. Hardison replied they would have to met all the requirements under the ABC regulations and if met then we would look at that.

Ned Barnes resides at 814 Carolina Beach Ave North, spoke for Wake N Bake and feels this meets the 4 general criteria. He stated that when the center was first developed there was a restriction on servicing alcohol and one of the restrictions was for on premise consumption. Prior to the application they needed to reach out to the owners of the center and they have put strict

limitations of what he can and cannot do.

Chairman Bloemandaal asked what are some of the restrictions and Mr. Barnes replied alcohol sales can not exceed 25% of the business conducted. They will be governed by the ABC laws, ABC commission and the developer.

Commissioner Kennedy asked are we approving this as a bar, and would the restrictions be passed onto any future owners. Mr. Barnes replied through the ABC laws and regulations and the town yes it would be passed as a bar but the center has restrictions of their own which limits them to how much of a percentage of alcohol can be sold.

Daniel Tangredi resides at 1309 Bonito Lane. In the past they had Wake N Bake Wednesdays which they had custom donuts with certain beers or liquor. They approached the town and were informed that they would need to be classified as a bar. This is a growing trend in the donut industry and their goal is to pair certain donuts with different types of beer and or alcohol. They plan to keep it a donut shop and not get into the bar industry but they do want to have the ability to be creative. The possibility would be to have an adult set up where they would have dessert pairings. They want to try and see if there is a market for this type of thing here in our community.

Chairman Bloemandaal made a motion to close the public hearing, all were in favor (7-0). No one signed up to speak.

Commissioner Rouse would like to recommend the approval of the Conditional Use Permit to serve alcohol at 1401 N. Lake Park Blvd unit 46. The use meets all required all 4 conditions and 7 specific requirements. 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.

Commissioner Kennedy seconded, all were in favor (7-0).

ACTION: Commissioner Rouse would like to recommend the approval of the Conditional Use Permit to serve alcohol at 1401 N. Lake Park Blvd unit 46. The use meets all required all 4 conditions and 7 specific requirements. 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.

Commissioner Kennedy seconded, all were in favor (7-0).

Vote: UNANIMOUS

- b. Text Amendment: Consider amending Chapter 4 - Animals and Fowl, Sec. 4-2. - Harboring and keeping of animals and fowl; to not include Miniature Vietnamese pigs as common accepted domestic animals in town.

Mr. Hardison reported this was brought to the last P&Z as a non-agenda item. If the board chooses to make any recommendations or amendments to town council and if not the ordinance remains the same. We have some animals and fowl that are allowed and also some that are prohibited.

Animals and Fowl

Allowed -Dogs, caged birds, cats, ferrets, gerbils, hamsters, hens, miniature Vietnamese

pigs, small nonpoisonous lizards, small reptiles, turtles.

Prohibited -Cows, bulls, ducks or geese, goats, hogs, horses, large reptiles, mules, ostriches, pigs, roosters, sheep, snakes.

We received a complaint from the homeowner on two miniature Vietnamese pigs. Our code enforcement officer investigated and explained that they are allowed as stated in our ordinance. The owner added that it was a breach of the lease and both the tenant and pigs were relocated off of the island. The reason this is brought to P&Z because it was causing a nuisance.

Proposed Ordinance; (we would strike out the miniature Vietnamese pigs)

Amend Chapter 4 Animals and Fowl, Sec. 4-2 Harboring and keeping of animals and fowl

Sec. 4-2. - Harboring and keeping of animals and fowl; term defined.

For the purpose of this chapter, the term "commonly accepted domestic animal or fowl" means any animal and/or fowl which can be kept or harbored within or outside a residential dwelling and which requires reasonable and minimal attention and/or maintenance and shall include generally accepted animals and fowl such as dogs, cats, caged birds, rabbits, ~~miniature Vietnamese pigs~~, gerbils, hamsters, ferrets, hens, and other animals and fowl of similar size and type and generally accepted reptiles such turtles and small nonpoisonous lizards. The term "commonly accepted domestic animal or fowl" shall not include goats, sheep, pigs, hogs, cows, bulls, horses, mules, ostriches, roosters, ducks or geese or other similar types of large size animals and fowl or other reptiles or snakes, poisonous or nonpoisonous.

Chairman Bloemandaal asked, this eliminates ALL PIGS, correct. Mr. Hardison responded yes.

Commissioners Discussion - They asked how do other communities regulate this. Mr. Hardison replied other communities do allow and they are regulated by number and size and how they are maintained. Commissioner Rouse feels if there is a weight limit this could work. Commissioner Kennedy feels that because there was an issue that we need to address this with limitations placed. Commissioner LeCompt would like to propose to change the Vietnamese Pig to the Micro/Teacup Pigs and put a weight limit on it. Commissioner Hoffer stated there are avenues in the zoning ordinance that will address size, odor, noise. Mr. Parvin isn't comfortable with restricting the weight. Chairman Bloemandaal feels we are asking for code enforcement issues. Commissioner Kennedy asked if we take this out but had a pigs on the island how would this effect the individual. Mr. Parvin replied they would be illegal. Commissioner Rouse asked how would the town address someone that has an animal for emotional support and has not had any complaints would the town have this animal removed. Mr. Parvin replied it would be a complaint based code. Commissioner Hoffer added when he had worked for the town he had discovered horses and because there were no complaints it was left alone. Commissioner Rouse has a concern and asked if someone had a pig what would be the process they would have to go through in order to keep this animal as a pet. Mr. Parvin replied they would have to apply for a text amendment which would go straight to Town Council.

Chairman Bloemandaal made a motion to open the public hearing. All were in favor.

No one in attendance to speak on this issue.

Chairman Bloemandaal made a motion to close the public hearing. All were in favor.

ACTION: Commissioner LeCompte made a motion that we amend Chapter 4 Animals and Fowl,

Sec. 4-2 Harboring and keeping of animals and fowl to prohibit miniature Vietnamese pigs.

Chairman Bloemandaal seconded, all were in favor (7-0).

Vote: UNANIMOUS

. **DISCUSSION ITEMS**

. **NON-AGENDA ITEMS**

Chairman Bloemandaal has an issue with our driveway ordinance and would like to revisit this in the future. Commissioner Kennedy would like to connect a number of issues together we've been discussing to come up with a solution. Mr. Parvin added we can address this in multiple ways.

. **ADJOURNMENT**

Chairman Bloemandaal made a motion to adjourn at 7:33 p.m.
Commissioner Kennedy seconded, all were in favor (7-0).