

CAROLINA BEACH

Planning and Zoning Minutes
Thursday, January 10, 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, January 10, 2019 at 6:30 PM at Council Chambers.

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

ABSENT: Director of Planning & Development Jeremy Hardison

ALSO PRESENT: Interim Town Manager Ed Parvin

. **CALL TO ORDER & ROLE CALL**

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

. **APPROVAL OF MINUTES**

Planning and Zoning - December 13, 2018 Meeting Minutes.

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

. **STAFF REPORT ON RECENT COUNCIL MEETINGS**

Mr. Parvin reported on the the recent Town Council Meeting - January 8, 2019.

They looked at the LUP, the Amendment for the Heights from 50' to 60' and the Text Amendments. Council agreed and adopted as Planning and Zoning recommended for more flexibility and one for one set backs. There was a public hearing for Texas and Snapper which has a one way street which was blocked off for safety reasons. The public had a lot of different recommendations and we took it to TRC then to Council for a public hearing but no one showed up. They voted to go back to a one way with additional stripping and safety signage.

. **STAFF REPORT ON RECENT DEVELOPMENTS**

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

Staff Update -

THURSDAY, JANUARY 10, 2019

Permitting

- 13 Permits (renovation, repair, grading, additions)
- 2 Residential new construction
- 0 demolition permits

- 10 Certificates of Occupancy
- 125 Building Inspections
- 4 Hurricane repair permits

Code Enforcement

- 19 Complaints received
- 19 Complaints resolved

New Businesses

- Salt Water Real Estate
614 S. Lake Park Blvd
- Fork & Cork
102 N. Cape Fear Blvd
- Publix
1018 N. Lake Park Blvd

LUP Steering Committee

- Next Meeting:
- Wednesday, January 16th 2019
- 6pm Town Council Chambers
- Website:
- www.carolinabeachcamaupdate.com
- Updated with SWOT analysis from previous meeting

Special Events

- No upcoming special events

PUBLIC DISCUSSION

No one signed up for public comment.

- a Text Amendment: To amend Chapter 40 Article VIII Sec. 40-228 to allow for larger signs on large corner lot properties in commercial zoning districts in the Town of Carolina Beach - Applicant: Mark Bryant of Bryant Real Estate

**Mr. Murphy reported on -
Double Frontage -**

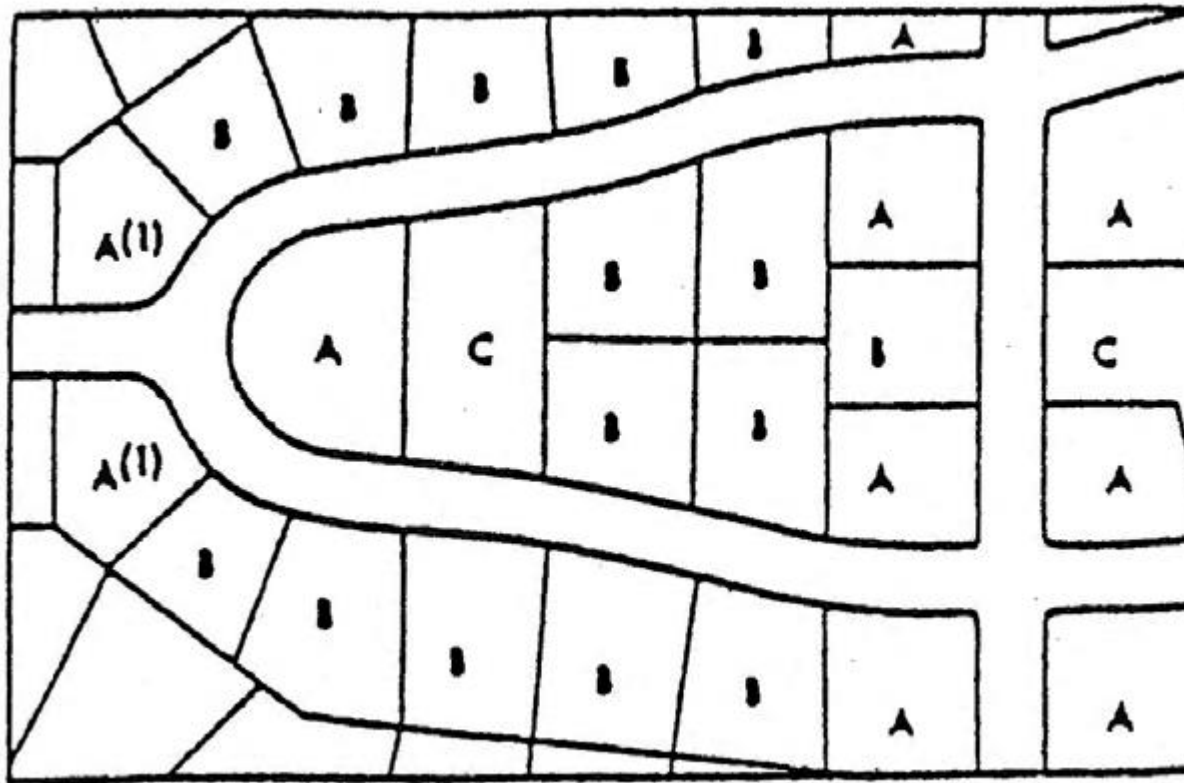
Lot types . Figure 1 illustrates terminology used in this chapter with reference to corner lots, interior lots, reversed frontage lots and through lots.

A)Corner lot - A lot located at the intersection of and abutting upon two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

See lots marked A (1) in the diagram.

B) Interior Lot - A lot other than a corner lot with only one frontage on a street.

C) Through Lot - A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.



Current Rules -

- If signs are used on separate frontages, each sign may use the maximum size allowable. If the second sign is on a corner, then the total square footage of the two signs shall not exceed the maximum size allowance
- Permanent freestanding signs.
- a. Maximum size equals one-half a square foot of sign area per one linear foot of road frontage or 25 square feet per commercial and/or residential unit located on the development site, whichever is greater, but not to exceed the below requirements.

Type of Development Max.

Area Per Face

Multi-Family Residential	50
Nonresidential up to 2,500 sq. ft. of building area	50
Nonresidential 2,500 sq. ft. up to 15,000 sq. ft. of building area	64
Nonresidential greater than 15,000 sq. ft. of building area	100

- b. Maximum height of 20 feet in the CBD, NB, MB-1, T-1, MF, and MX zoning districts.
- c. Maximum height of 25 feet in the HB and I-1 zoning districts.
- d. A permanent freestanding sign shall have a minimum setback of ten feet from all property lines.

New Language for Sign Regulations -

Article VIII Sign Regulations, Sec. 40-228

(b) Number of signs. Unless otherwise stated, only one of each type of sign may be permitted per development site except for corner or double frontage lots. A second sign may be placed

on corner or double frontage lots. Where two signs are allowed, one sign shall be adjacent to one public right-of-way and the second sign shall face the other public right-of-way. If signs are used on separate frontages, each sign may use the maximum size allowable. If the second sign is on a corner, then the total square footage of the two signs shall not exceed the maximum size allowance, except when a corner lot meets the following criteria:

- (1) the corner lot is located in a commercial zone
- (2) the lot is larger than 30,000ft²
- (3) the sign is limited to 10' in height
- (4) the sign is set back an additional 5' beyond the required 10' setback from all property lines.

Questions for Mr. Murphy -

Commissioner Hoffer asked how is this not weakening our current ordinance. Mr. Murphy responded there are strict requirements placed upon it. At present the height limit is greater than what the update would request and set back is less. This is allowing flexibility in the size to be equal to a through lot which allows the maximum size on both of the frontages. Will be set back further which would be less intrusive on passer-byes and keep the visual impact to a minimum.

Chairman Bloemandaal asked how large could the max area be for this instance. Mr. Murphy replied the new language states A-lots would be treated the same as C-lots.

Commissioner Kennedy to clarify we are adding an option for lots instead of restricting. Mr. Murphy replied yes ma'am.

Chairman Bloemandaal made a motion to open the public hearing.

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

Mark Bryant with Bryant Real Estate. They have been in business for over 65yrs and has been a part of Carolina Beach for the past 20yrs, spoke on this amendment. He understands the sign ordinances but would like to butterfly the sign on the corner which doesn't exceed the total square footage and is visible for the flow of all traffic. Our goal was to build an office that didn't look like a commercial building hence the cedar shake siding so that it looks like a part of the island.

Chairman Bloemandaal made a motion to close the public hearing.

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

Commissioner Hoffer generally is ok with this he was concern with the possibility of future changes to the ordinance in the future.

Chairman Bloemandaal agrees with Commissioner Hoffer and feels that signs are one of the few ways we have control over how the corridor looks on our island.

Commissioner Rouse feels that the building is a wonderful addition to the island and they did a great job and doesn't have any issues with this.

Chairman Bloemandaal asked Mr. Murphy is there any where in the ordinance that states where the placement has to be. Mr. Murphy responded they just need to be placed on the frontage of the corners.

Commissioner Kennedy feels the sign is very appropriate that it is more of an identification than an advertisement for their business/lot.

Commissioner Boswell is ok but has concerns with the possibility of future issues.

Commissioner Ittu feels the building is a great credit to the entry way to the town and is pleased with it. He also shares the possibility of future concerns but will have to deal with that if it does comes up.

ACTION: Chairman Bloemandaal made a motion that we approve to amend Chapter 40 Article VIII Sec. 40-228 to allow for larger signs on large corner lot properties in commercial zoning districts in the Town of Carolina Beach it is consisted with the land use plan. Commissioner Boswell seconded, all were in favor (7-0).

Vote: UNANIMOUS

- b. Text Amendment: To amend Chapter 40 Article III Sec. 40-72 and Article IX Sec. 40-261 to allow for the operation of a distillery in the Central Business (CBD) Zoning District (Commercial 1.1, Commercial 2, Boardwalk – 2007 LUP) and the Industrial (I-1) Zoning District (Industrial – 2007 LUP) of the Town of Carolina Beach.

Mr. Murphy reported -
Zoning Map -

General Statutes

- § 18B-1104. Authorization of brewery permit.
- § 18B-1105. Authorization of distillery permit.
- § 18B-1114.7. Authorization of spirituous liquor special event permit.

Recent State-Level Decisions

- SB 155 – 2017 “Brunch Bill”
 - § 18B-1105
 - Permit the sale of 5 bottles of spirituous liquor per 12-month period – as opposed to only 1 bottle per 12-month period
- HB 500 – 2017
 - § 18B-1114.7.
 - Permit the sale of branded merchandise

New Language for Distilleries

Article IX Development standards for particular uses, Sec. 40-261

Distillery

An establishment which meets the definition of distillery shall be permitted in the CBD, HB, and I-1 zoning districts by right and otherwise must adhere to all State and Local ABC, Building, and Zoning requirements.

(a) Shall comply with all provisions of the ABC Commission, if applicable. Any distillery establishment that receives a permit from the ABC Commission as a private club shall be considered a bar/tavern and shall meet all requirements for that use

New Language for Breweries

Article IX Development standards for particular uses, Sec. 40-261

Breweries.

(2) Standards for breweries:

- a. No outdoor production operation shall be visible from adjacent properties or rights-of-way.
- b. Breweries may provide on premises-consumption of malt-beverage or unfortified wines that are not manufactured on site.
- c. Shall comply with all provisions of the ABC Commission, if applicable. Any brewery establishment that receives a permit from the ABC Commission as a private club shall be considered a bar/tavern and shall meet all requirements for that use.
- d. Breweries located in the Central Business (CBD) and Highway Business (HB) shall be limited to 6,000 square feet of indoor gross floor area.
- e. ~~No outdoor production operation shall be visible from adjacent properties or rights-of-way.~~

Central Business District (CBD)

- *Purpose.* This district is established to accommodate, protect, rehabilitate and maintain the traditional central business district and boardwalk area of the town. This area accommodates a wide variety of pedestrian oriented, commercial and service activities, including retail, business, office, professional financial, entertainment, and tourism.
- *Intent.* The regulations of this district are intended to encourage the use of land for concentrated development of permitted uses while maintaining a substantial relationship between land uses and the capacity of the town's infrastructure. Developments which would significantly disrupt the historic balance between pedestrians and automobiles within the district, thereby destroying the pedestrian-oriented nature of the area, are specifically discouraged. Large, off-street parking areas are encouraged to locate outside the district. Similarly, buildings and structures should have pedestrian-oriented activities at ground level.
- Commercial 1.1 - The Commercial 1.1 area serves as a transition area from the main Town highway business corridor to the traditional Town center which is predominantly a tourism and pedestrian-oriented commerce area.
- Commercial 2 - The Commercial 2 area serves as the traditional Town center which is predominantly a tourism and pedestrian-oriented commerce area.
 - C 1.1 and C 2 – Future Use – Predominant use of Commercial 1.1 will be for tourist and family-oriented retail and services, with other less vehicle-dependent commercial businesses such as offices, restaurant and entertainment
- Boardwalk - The Boardwalk is the Town's core traditional entertainment and tourist related retail and restaurant area. Future use direction has been discussed which would encourage more family and tourist oriented services and retail.

Industrial District (I-1)

Purpose. This district is established to provide for warehousing and storage and light industrial activities compatible with a small, tourist oriented, environmentally sensitive, coastal community. Light industries are generally characterized as having small physical

plants, lower land requirements and higher worker to land ratios. Such industries typically generate few objectionable impacts in terms of noise, lights, heavy truck traffic, fumes, smoke, dust, odor or other similar characteristics. Furthermore, any negative environmental impacts associated with these industries may generally be mitigated through proper site planning, buffering, and operations management. This district is located in areas that are readily accessible from major thoroughfares, so as to minimize traffic impacts on non industrial areas of the community.

LUP. The desired Future Land Use of the Industrial area includes environmentally low-impact and infrastructure low-impact industrial uses

Questions for Mr. Murphy -

Mr. Murphy stated that Council approved the previous text amendment and directed staff to investigate opening up distilleries and breweries to all the primary commercial zoning districts, industrial and central business districts.

Commissioner Kennedy asked are there any restrictions on how many will be allowed. Mr. Murphy replied there are no restrictions on the number of distilleries/breweries but we depend upon the restrictions of the ABC.

Made a motion to open the public meeting, all in favor (7-0).

Made a motion to close the public meeting, all in favor (7-0).

Commissioner LeCompte doesn't have a problem with this being approved and mentioned she was at the original council meeting and they were asked to deny the amendment unless the other district were added. Feels that the original applicants text amendment was high-jacked and got back-doored. She feels they should be refunded their money.

Chairman Bloemandaal shared that this is quite unique and is perfectly ok, they brought forth, paid the fee and got the text approved and even if denied they wouldn't get their money back. (And will be noted.) Added that this is a positive move to bring to our town and is happy to see this happen. Doesn't feel we will get inundated with a number of distilleries and breweries. He is hoping that the LUP will be addressing the industrial zone aggressively.

Commissioner Kennedy is happy that we are addressing the industrial area and feels there is potential for this area.

Commissioner Hoffer its clean, quiet and feels that it is smart language that they are applying as a private club and is not finding a down side to this.

Chairman Bloemandaal added the current brewery is family friendly.

Commissioner Rouse feels this is a positive for our community it gives us something new and adds more things for people to do.

Commissioner Boswell doesn't have any objections and feels it would be an asset to our community and sees no reason to deny it.

Commissioner Ittu is in favor of this feels it would be a positive attraction to our town and feels the more the merrier.

ACTION: Chairman Bloemandaal made a motion to approve the Text Amendment to amend Chapter 40 Article III Sec. 40-72 and Article IX Sec. 40-261 to allow for the operation of a distillery in the Central Business (CBD) Zoning District (Commercial 1.1, Commercial 2, Boardwalk - 2007 LUP) and the Industrial (I.1) Zoning District (Industrial - 2007 LUP) of the Town of Carolina Beach and it is consistent with the LUP and other long range plans.

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

Vote: UNANIMOUS

NON-AGENDA ITEMS

Chairman Bloemandaal is concerned with the fact that there are a lot of missing street signs and pole. A few that are, Tennessee and Swordfish and NLPB and North Carolina and several others. Mr. Parvin replied the blades were budgeted for this year and next year. If something is missing that is handled as a work order which staff would request through City Works software and then it would be replaced. Mr. Parvin will put a work order in with the chairman's email.

Chairman Bloemandaal asked about City Works regarding permits he would like to know why the process has to go through so many hands before it's approved. Feels there are departments that don't need to see it to sign off on this so why is this necessary. Mr. Parvin replied it's a process for which we don't want to miss anything.

Commissioner Rouse commended the town and all that were involved for the post hurricane issues. Mr. Parvin stated that we have 6 committees that handle these kinds of issues to make the process better.

Commissioner Rouse asked who trims the trees in our town because there are a few that need trimming before the growth season starts. Mr. Parvin replied this is also handled through a work order or service request which the town employees handle then it will be assigned to our public works department and they will take care of the issue.

Chairman Bloemandaal mentioned that Gil DiBois the towns Operations Director is retiring and there will be a ceremony held here at town hall tomorrow 1/11/19 at 9am and at Good Hops on 1/12/19 from 5-9pm.

Commissioner Kennedy would like to know if anything has been addressed regarding her suggestion from December's meeting with investigating into pervious versus impervious concrete. Mr. Murphy replied this will be discussed at the next TRC meeting which maybe come back to P&Z in February at the earliest. Also would like to discuss the possibility of adding a Mobil permit to the towns permitting list.

Chairman Bloemandaal asked when can they expect to meet the new Town Manager. Mr. Parvin replied

he starts February 25th. They haven't yet discussed whether or not he will be introduced to the committees or how they will be handling that.

Commissioner Ittu stated he is on the Operations Advisory Committee and they have had a number of surveys for the 4 different zones. They look at the City Works process so that they can get involved to help out our community.

Chairman Bloemandaal commented on the up keep on cleared lots and feels that our Code Enforcement Officer is working hard at enforcing that.

ADJOURNMENT

Chairman Bloemandaal made a motion to adjourn at 7:38 p.m.
Commissioner Rouse seconded, all were in favor (7-0).