

CAROLINA BEACH

Planning and Zoning Minutes
Thursday, December 13, 2018 @ 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, December 13, 2018 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

• **CALL TO ORDER**

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

• **APPROVAL OF MINUTES**

Planning and Zoning - November 8, 2018 Meeting Minutes.

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

• **STAFF REPORT ON RECENT COUNCIL MEETINGS**

Mr. Hardison reported on the most recent Town Council Meeting - December 11, 2018

3 public hearings scheduled - first heard was to allow for distilleries in the highway business district which was approved, council had suggested to see if it would work in other areas as well which would have to be approved and possibly brought back in January. The second involved taxi cabs and golf cart taxi's they reviewed the process. They would be equal and treated the same, it would be up to the owner's discretion if they wanted a meter or not but this would have to be displayed. The third item was a CUP for the Carolina Beach Marina and Yacht Club, applicant request this to be tabled, situations had changed and he did not have some of the approvals for the site from a previous property owner.

• **STAFF REPORT ON RECENT DEVELOPMENTS**

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

Staff Update

THURSDAY DECEMBER 13, 2018

32 Permits (renovation, repair, grading, additions)

- 10 Residential new construction
- 2 demolition permits

- 20 Certificates of Occupancy
 - 203 Building Inspections
 - 25 Hurricane repair permits
- Code Enforcement
- Permitting
- 5 Complaints received
 - 5 Complaints resolved

Bryant Real Estate
 1230 N. Lake Park Blvd
 1230 N. Lake Park Blvd
 Publix
 1018 N. Lake Park Blvd
 Jack's Retreat
 5 N. Cape Fear Blvd
 Fork & Cork
 102 N. Cape Fear Blvd

LUP Steering Committee

- Next Meeting:
- Wednesday, January 16th 2019
- 6pm Town Council Chambers
- Website:
- www.carolinabeachcamaupdate.com

Special Events

- Dec 15th ☐ 10th Annual Christmas by the Sea (Carolina Beach Boardwalk)
- December 31st ☐ NYE Celebrations (Kure Beach)

Questions for Mr. Hardison:

Commissioner Rouse asked if the town has received any permits for the Carolina Smoke House. Mr. Hardison replied no permits have been received for any roof top deck.

PUBLIC DISCUSSION

Chairman Bloemandaal stated no one signed up for public discussion.

- a. Adopt a resolution to amend the Land Use Plan policy #31 (A) to change how the one for one setback rule is applied for buildings over 50'. Applicant: Pelican Point CB, LLC
 - A. Exceptions to this height may be permitted up to sixty (60) feet maximum with one additional foot on the required front setback and one additional foot added cumulatively ~~both~~ to the required side setbacks for each additional foot in height for land classification areas: Mixed use 1 north of Commercial 2; Commercial 1; North Pier Commerce; Residential 5; Marina Mixed Use; Mixed Use 3 east of Carolina Beach Avenue South; and Industrial.

The applicant, Pelican Point CB, LLC is requesting an amendment to the height limit policies of the 2007 Land Use Plan. Last December, P&Z heard a similar text amendment which requested that certain appurtenances be permitted to extend above the height limit set in the 2007 LUP and CB Zoning Ordinances.

Current regulations allow certain commercial areas to reach a height greater than the standard 50' limit. However, to extend their height, up to a maximum of 60', the building must increase their standard setback on both sides and in the front by 1' for every additional foot above 50'. So, if the proposed structure was 56' tall that would mean that it is 6' over the standard limitation. This would require that each side and the front setbacks be extended by 6'. This type of addition results in an additional 12' of side setback, as there will be 6' added to both sides.

$10'$ (general side setback) + $6'$ (feet over height limit) = $16'$ (new side setback)

$10'$ (general side setback) + $6'$ (feet over height limit) = $16'$ (new side setback)

$6'$ Left Side + $6'$ Right Side = $12'$ Total Added to Side Setbacks

The applicant is requesting that the current ordinance be changed to allow for the addition to the side setbacks to be added together cumulatively to equal the total required increase and not be required to be split evenly on both sides. So, instead of 6' being added to both of the side setbacks, you may have a scenario like the one shown below. Again, the structure is 56' in height and will require an additional foot added to each side and front setbacks for every foot over 50, or 6' added to each setback.

$10'$ (right side setback) + $2'$ (of the total 12' applied to side setbacks) = $12'$ (new right side setback)

$10'$ (left side setback) + $10'$ (of the total 12' applied to side setbacks) = $20'$ (new left side setback)

$10'$ Left Side + $2'$ Right Side = $12'$ Total Added to Side Setbacks

The cumulative addition of the required increase in setback distance permits the structure to shift in orientation to some degree, while it still meets the total increase in side setback required.

The increase in height for the one for one setback may occur with a Conditional Use Permit in the following zones HB, T-1 MF, MB-1 and MX zones. There is no proposed change for the front setback nor the rear setback.

ACTION REQUESTED: The proposed amendment is inconsistent with the 2007 Land Use Plan and will need to be changed. The following policy will need to be amended. Policy #30: Building Height shall be defined as that distance measured from the highest appurtenance on the structure to: 1. The front street line. 2. The nearest front street line where there is not an adjacent right-of-way. 3. An average of each front street line on through lots. 4. Hotels – appurtenances ten (10) feet or less in height shall be exempted from the height measurement. Session Law 2017-10 (SB 131) revised the requirements in G.S.

§153A-341 and §160A-383 concerning statements a governing board shall adopt when considering a zoning amendment. The revised requirements are applicable to all zoning amendment applications filed on or after October 1, 2017. Under the changes in the new law, a governing board's statement of approval for a zoning amendment will also be deemed an amendment to the comprehensive plan and the governing board shall not require any additional request or application for amendment to the comprehensive plan. As used in the section, a comprehensive plan includes a unified development ordinance and any other applicable officially adopted plan. Local governments within the 20-coastal counties are subject to the land use planning requirements under Article 7 of the Coastal Area Management Act of 1974 (G.S. §§113A-108 through 113A-111) and the Coastal Resources Commission's (CRC) rules for land use plans (15A NCAC 07B.0700 and .0800.) CAMA plans require local adoption along with state certification and would therefore be considered a "comprehensive plan" as defined in the revisions to G.S. §153A341 and §160A-383.

CAMA requires that land use plans and plan amendments be available for public inspection for a period of at least 30 days following publication of notice. If the planning staff determines that a zoning amendment application is inconsistent with the CAMA plan, the planning staff should prepare a written document identifying the areas of the CAMA plan that would have to be amended with the zoning application.

Approval - whereas in accordance with the provisions of the NCGS 160A-383, the Commission does hereby find and determine that the adoption of the following ordinance amendment is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans or A statement rejecting the proposed zoning amendment and describing its inconsistency with the plan; or A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment. Denial - based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long range planning documents.

COMMITTEE RECOMMENDATION:

The question of building height does not lend itself to a “right or wrong” or objective answer but instead to a very subjective answer about how we want our community to look. Building height does, to a large degree, define a community and as such this question is best answered by the people and their elected representatives and not the Planning Staff. In conclusion and because this is a value driven issue, Staff is not proposing a technical recommendation for your consideration. We are of the opinion that this decision is best suited to those who recommend and decide on the future look of what we want our Town to become

The applicant, Pelican Point CB, LLC is requesting an amendment to the side yard setback requirement when a building exceeds 50’ in height. Along with the Land Use Plan the zoning ordinance will need to be amended as well.

When the Planning & Zoning Commission heard the item it allowed appurtenances to be exempt for all structures and recommended to deny the amendment and to address height in the land use plan update that will start this year. The applicant has narrowed down the amendment to specific zoning districts and only for larger buildings for Council to consider.

Chairman Bloemandaal asked for clarification on what the applicant is asking us to make is only changes the side setback to be accumulative can be mixed and matched. And still have the one for one, Mr. Hardison reply that is correct.

Commissioner Kennedy asked it doesn't change the minimum of 10' on the sides, Mr. Hardison reply that is correct.

Commissioner Rouse asked to clarify that the density has not changed, it's where you choose to move your building to accommodate that particular parcel, Mr. Hardison replied correct.

Commissioner LeCompte added, it would also require a CUP if it was over 50', Mr. Hardison replied correct.

Charles Poindexter, applicant spoke this is a development standard and is interested in developing in Carolina Beach. A lot of the properties are very narrow which limits what you can do. The emphasis behind the amendment is to give some wiggle room without decreasing open space and without encroaching of the neighbors.

Chairman Bloemandaal made a motion to open the public hearing.
Commissioner Hoffer second, all were in favor (7-0).

Nicole Greeson, she is speaking on behalf of her mother Betty Greeson who lives at 400-A North Lake Park Blvd, this is a single family dwelling. These are the concerns they would like to address, there is a large condo building being built right next door, the loss of property value, also within the easement there maybe limited room between properties, they also share the driveway with Domino's, concerns of possible fire or any emergency's how would they access their property as well as if they needed medical services.

Mr. Hardison added this is not site specific amendment or CUP for the zones that he had mentioned earlier within the commercial district.

Dean Emblar 500 Saint Joseph St. he's lived there for over 25yrs and has a business here and his concern from day one is the buffer for Lee's Lane.

Mr. Hardison responded two things have happened with the applicant. One is P&Z heard a CUP and is still on file and shouldn't talk about the specific project. In the spring the applicant applies for a LUP amendment and P&Z heard that and formed a recommendation for Town Council and before it got to Town Council the applicant pulled that to rethink how he wanted to move forward. Now he has brought another amendment to this commission for consideration.

Chairman Bloemandaal stated we are not discussing this specific site next door to a home, we are being asked to amend the LUP and to allow for a higher building and changing the required setback and how we calculate those.

Commissioner Kennedy stated we have the same plot of the land we are just shifting the building, Mr. Hardison we are just discussing the allowance.

Brenda Shore 211 Carolina Sands Dr, understands that the LUP was adopted by the town and asks is it one person is asking us to change everything for him and his building. Chairman Bloemandaal responded we are considering this for the zone which is highlighted.

Chairman Bloemandaal made a motion to close the public hearing.
Commissioner Hoffer seconded, all in favor (7-0)

Commissioners discussed their views on this topic. Some feel this should be considered, this gives more options for the property, doesn't feel it would have that drastic of effect on any of the buildings, doesn't see an issue with passing this. A couple are against this, one because of the fact that the LUP is already being updated.

ACTION: Commissioner Rouse made a motion to adopt a resolution that the Town of Carolina Beach amends its CAMA Land Use Plan, as it relates to the one to one setback policy when buildings exceed the 50' height requirement and amend that so it's is cumulative rather than one for one on each side concurrently.

Commissioner Kennedy seconded the motion.

Vote: Motion passes - 5 ayes and 2 nays.

- b. Amend Chapter 40 Article XVIII, Sec 40-73 to amend yard requirements for structures exceeding maximum height regulations Applicant: Pelican Point CB, LLC

Mr. Hardison reported on the this which is the same as: Adopt a resolution to amend the Land Use Plan policy #31 (A) to change how the one for one setback rule is applied for buildings over 50'. Applicant: Pelican Point CB, LLC

Now that you have recommended the LUP you would need to have a LUP consistency statement when the ordinance is changed.

Chairman Bloemandaal stated this is the same but this will be for our town code.

Chairman Bloemandaal made a motion to open the public hearing.

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

Chairman Bloemandaal made a motion to close the public hearing.

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

ACTION: Session Law 2017-10 (SB 131) revised the requirements in G.S. §153A-341 and §160A-383 concerning statements a governing board shall adopt when considering a zoning amendment. The revised requirements are applicable to all zoning amendment applications filed on or after October 1, 2017. Under the changes in the new law, a governing board's statement of approval for a zoning amendment will also be deemed an amendment to the comprehensive plan and the governing board shall not require any additional request or application for amendment to the comprehensive plan. As used in the section, a comprehensive plan includes a unified development ordinance and any other applicable officially adopted plan.

Local governments within the 20-coastal counties are subject to the land use planning requirements under Article 7 of the Coastal Area Management Act of 1974 (G.S. §§113A-108 through 113A-111) and the Coastal Resources Commission's (CRC) rules for land use plans (15A NCAC 07B.0700 and .0800.) CAMA plans require local adoption along with state certification and would therefore be considered a "comprehensive plan" as defined in the revisions to G.S. §153A-341 and §160A-383.

CAMA requires that land use plans and plan amendments be available for public inspection for a period of at least 30 days following publication of notice. If the planning staff determines that a zoning amendment application is inconsistent with the CAMA plan, the planning staff should prepare a written document identifying the areas of the CAMA plan that would have to be amended with the zoning application.

Commissioner Rouse made a motion to approve whereas in accordance with the provisions of the NCGS 160A-383, the Commission does hereby find and determine that the adoption of the following ordinance amendment is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans and to Amend Chapter 40 Article XVIII, Sec 40-73 to amend yard requirements for structures exceeding maximum height regulation. Commissioner Kennedy seconded, all in favor (7-0).

Vote: UNANIMOUS

- c. Amend Chapter 40 Article VI Landscaping to Encourage Tree Preservation

Mr. Murphy presented - two options to look at:

ARTICLE VI. - LANDSCAPING AND DEVELOPMENT SPECIFICATION STANDARDS

ORDINANCE NO. 18-

Text Amendment: To amend the Chapter 40 Article VI Sec. 40-175, Sec. 40-177, to update the ordinance to provide protections for heritage trees.

ARTICLE VI. – Landscaping and Development Specification Standards⁵

Sec. 40-175. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Buffer yard means the width of the area for the required installation of landscaping and screening materials around the entire perimeter of all lot uses excluding single-family residences and two-family dwellings.

Caliper means a standard trunk diameter measurement for nursery grown trees taken six inches above the ground for up to and including four-inch Caliper size, and 12 inches above the ground for larger sizes.

Deciduous means those plants that annually lose their leaves.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, clearing, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Evergreen means those plants that retain foliage throughout the year.

Ground cover means a prostrate plant growing less than two inches in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Many ground covers survive in poor soils, shade and other adverse conditions.

Ground cover material means any natural or artificial material such as bark chips, pine needles, stone, rock, wood mulch or similar materials used at the base of plants for the purpose of retaining water, minimizing weed growth or purely aesthetic purposes.

Heritage Tree means a live oak tree, with a caliper larger than 12”

Intensive commercial means a business use that has a gross floor area of greater than 10,000 square feet.

Landscaping means the process or product of site development, including grading, installation of plant materials, and seeding of turf or ground cover.

New construction means any construction other than renovation to existing structures where the size or intensity is not increased, which requires a building permit issued by the town, or which results in an increase of impervious surfaces or which requires the placement of fill soil or materials, including, but not limited to, multifamily, non-residential and parking lot construction.

Planter means a structure or area consisting of at least one understory tree surrounded by flowers and shrubs.

Planting area means a ground surface free of impervious material, which is utilized for landscape purposes.

Shrub means a woody plant or bush with a minimum height of 12 inches and maximum of ten feet. It is distinguished from a tree by having several stems rather than a single trunk.

Street tree means a tree planted along the street behind the right-of-way.

Street yard means a planting area parallel to a public or private street designed to provide continuity of vegetation along the right-of-way and to soften the impact of development by providing a pleasing view from the road.

Tree, canopy, means any tree that is normally more than 40 feet in height with a spread of at least 15 feet at maturity that provides shade from its foliage mass; also individual or tree groups forming an overhead cover. Canopy trees should be located so as to minimize potential interference with utilities and avoid sight obstructions. New canopy trees shall be at least 2½ inches in diameter measured six inches above the ground and at least eight feet in height.

Tree, understory, means any tree that is normally less than 25 feet in height with a spread of at least five feet at maturity, but that still provides shade and a degree of protection to the earth and vegetation beneath it. Multiple trunk understory trees shall have at least three trunks and be at least six feet in height.

Vision clearance. In order to maintain an acceptable and safe line of sight for motor vehicle drivers, no fences, walls, posts, signs, lights, shrubs, trees or other type of obstructions not specifically exempted shall be permitted in the space between 30 inches in height from the grade of the street. A sight distance triangle shall be the visually unobstructed area of a street/driveway corner as determined by measuring a distance of 30 feet along the intersecting curb lines, or edges of pavement of the intersecting street/driveway if curbs are not present, and connecting the two points by a straight line to form a triangular shaped area over the corner.

(Code 1986, app. A, § 8.5; Ord. No. 05-598, 7-12-2005; Ord. No. 06-634, 5-9-2006; Ord. No. 07-670, 1-9-2007; Ord. No. 09-785, 5-12-2009)

Sec. 40-177. - Tree/landscape plan.

- a. Required. A tree/landscaping plan shall be required for all clearing, grading, or other earth disturbing activity proposals. The plan must contain the information set forth in subsection (b) of this section (the required tree/landscape plan can be incorporated into the general site plan).
- b. Landscape plan submittal requirements. The landscape plan shall contain the following information:
 - a. General location, type, and quantity of existing plant materials.
 - b. Existing plant materials and areas to be left in natural state.
 - c. Methods and details for protecting existing plant materials during construction and the approved erosion control plan, if required.
 - d. Locations, size and labels for all proposed plants.
 - e. Plant lists with common name, quantity, and spacing and size of all proposed landscape material at the time of planting.
 - f. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courtyards or paved areas.
 - g. Planting and installation details as necessary to ensure conformance with all required standards.
 - h. Location and type of irrigation system, if applicable.
 - i. Location of any proposed buildings.
 - j. Layout of parking and traffic patterns.
 - k. Location of overhead and underground utilities.
 - l. Location of signage.
 - m. Connections to existing streets.
 - n. Zoning designation of adjacent properties.
 - o. Landscape plan shall be drawn to scale and include a north arrow and necessary interpretive legends.
- c. Information guide and plant selection list. A landscaping/buffer yard information guide and plant selection list is available from the Zoning Administrator.
- d. [All new construction will be required to identify any heritage trees and either protect them or replace 1 heritage tree per 5000ft2 of lot size.](#)
- e. [No new construction nor expansions of a preexisting footprint may remove a heritage tree without replacement as dictated in \(e\).](#)

(Code 1986, app. A, § 8.8; Ord. No. 05-598, 7-12-2005)

Adopted this ____ day of _____.

Joseph Benson, Mayor

Attest: _____
Kimberlee Ward, Town Clerk

ARTICLE VI. - LANDSCAPING AND DEVELOPMENT SPECIFICATION STANDARDS

ORDINANCE NO. 18-

Text Amendment: To amend the Chapter 40 Article VI Sec. 40-175, Sec. 40-177, to update the ordinance to provide protections for heritage trees.

ARTICLE VI. – Landscaping and Development Specification Standards⁵

Sec. 40-175. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Heritage Tree means a live oak tree, with a caliper larger than 12”

Sec. 40-177. - Tree/landscape plan.

- a. Required. A tree/landscaping plan shall be required for all clearing, grading, or other earth disturbing activity proposals. The plan must contain the information set forth in subsection (b) of this section (the required tree/landscape plan can be incorporated into the general site plan).
- b. Landscape plan submittal requirements. The landscape plan shall contain the following information:
 - a. General location, type, and quantity of existing plant materials.
 - b. Existing plant materials and areas to be left in natural state.
 - c. Methods and details for protecting existing plant materials during construction and the approved erosion control plan, if required.
 - d. Locations, size and labels for all proposed plants.
 - e. Plant lists with common name, quantity, and spacing and size of all proposed landscape material at the time of planting.
 - f. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courtyards or paved areas.
 - g. Planting and installation details as necessary to ensure conformance with all required standards.
 - h. Location and type of irrigation system, if applicable.
 - i. Location of any proposed buildings.
 - j. Layout of parking and traffic patterns.
 - k. Location of overhead and underground utilities.
 - l. Location of signage.
 - m. Connections to existing streets.
 - n. Zoning designation of adjacent properties.
 - o. Landscape plan shall be drawn to scale and include a north arrow and necessary interpretive legends.
- c. Information guide and plant selection list. A landscaping/buffer yard information guide and plant selection list is available from the Zoning Administrator.
- d. All new construction or expansions of building footprint will receive a reduced stormwater fee for preserving a heritage tree.

(Code 1986, app. A, § 8.8; Ord. No. 05-598, 7-12-2005)

Adopted this ____ day of _____.

Joseph Benson, Mayor

Attest: _____
Kimberlee Ward, Town Clerk

ARTICLE VI. - LANDSCAPING AND DEVELOPMENT SPECIFICATION STANDARDS

ORDINANCE NO. 18-

Text Amendment: To amend the Chapter 40 Article VI Sec. 40-175, Sec. 40-177, to update the ordinance to provide protections for heritage trees.

ARTICLE VI. – Landscaping and Development Specification Standards⁵

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Sec. 40-177. - Tree/landscape plan.

- a. Required. A tree/landscaping plan shall be required for all clearing, grading, or other earth disturbing activity proposals. The plan must contain the information set forth in subsection (b) of this section (the required tree/landscape plan can be incorporated into the general site plan).
- b. Landscape plan submittal requirements. The landscape plan shall contain the following information:
 - a. General location, type, and quantity of existing plant materials.
 - b. Existing plant materials and areas to be left in natural state.
 - c. Methods and details for protecting existing plant materials during construction and the approved erosion control plan, if required.
 - d. Locations, size and labels for all proposed plants.
 - e. Plant lists with common name, quantity, and spacing and size of all proposed landscape material at the time of planting.
 - f. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courtyards or paved areas.
 - g. Planting and installation details as necessary to ensure conformance with all required standards.
 - h. Location and type of irrigation system, if applicable.
 - i. Location of any proposed buildings.
 - j. Layout of parking and traffic patterns.
 - k. Location of overhead and underground utilities.
 - l. Location of signage.
 - m. Connections to existing streets.
 - n. Zoning designation of adjacent properties.
 - o. Landscape plan shall be drawn to scale and include a north arrow and necessary interpretive legends.
- c. Information guide and plant selection list. A landscaping/buffer yard information guide and plant selection list is available from the Zoning Administrator.
- d. All new construction or expansions of building footprint will be required to pay a fee for the removal of any heritage trees.

(Code 1986, app. A, § 8.8; Ord. No. 05-598, 7-12-2005)

Adopted this ____ day of _____.

Joseph Benson, Mayor

Attest: _____
Kimberlee Ward, Town Clerk

Questions for Mr. Murphy:

Chairman Bloemandaal asked for clarification if there is a tree in the middle of the property the owner would have to pay a fee to have such tree removed, Mr. Murphy replied yes that would be for option 3.

Chairman Bloemandaal asked how will the town require the property owner to determine if there are Heritage Trees and has anyone inquired the cost for a tree survey. Mr. Murphy it would be part of a survey requirement, no one has inquired.

Chairman Bloemandaal asked with option 3 is this requiring for a landscape design as there is for commercial buildings. Mr. Murphy replied the only required are for commercial zones. It would put that responsibility on the home owners to consider the tree removal.

Commissioner Kennedy stated the purpose behind this was to protect and save trees or to replant trees. Mr. Murphy replied that is correct. To clarify there are 3 options - cut a tree-plant a tree, not cut a tree and pay a reduced stormwater, or cut a tree and pay a fee.

Mr. Murphy explained that is correct that there was a discussion at a joint meeting and a lot was expressed to protect the trees but given the lot sizes it is not feasible but possibly require one for one replacement based on the size of the lots but wants to see other options to encourage the homeowner. These are not the only options they are proposals we could add another if that is a recommendation. He is looking for more direction if needed.

Commissioners discussed is the caliber the circumference or diameter of a tree, this is stated in the packet but it is the circumference of the tree. They feel the focus should be on preserving canopy trees.

Commissioner Hoffer feels there should be a cut off and would like to leave the 5,000 sq ft out he doesn't think it's far and shouldn't put any more burden on people. He focuses more on incentives. And Chairman Bloemandaal agrees.

Commissioner Rouse can we have incentives if there are a lot of trees and keep a specific amount of trees on every lot. Commissioner Kennedy agrees to give positives instead of negative options.

Commissioner Boswell has a concern about who is going to pay for the incentives. She feels preservation is the most important.

Mr. Murphy to recap on this topic, he would like more direction and is asking from the members a definition on what is a heritage tree. The proposed options are 1) replacement tree for tree 1 per 5,000 square foot lot, 2) incentivizing by reducing stormwater fees to preserve an existing heritage

tree, 3) if removing any heritage trees you would have to pay a fee to the town which would increase the building permit fees.

Chairman Bloemandaal made a motion to open the public discussion.
Commissioner LeCompte seconded, all in favor (7-0).

Debra Garity 4226 Canopy Cove in Wilmington, NC - stated the number one reason to protect trees is your health, the more trees the less carbon omissions the trees take all that in as does the ocean and rivers. Gave some suggestions on what to do to have the Cape Fear Tree Alliance which is a non-profit, would come out to do a tree survey free of charge and they would help find trees that are indigenous to the area, they have grant funds, would help people feel proud to be a part the environment that is helping to preserve our trees and have a plaque placed in their yards stating this is a heritage tree. Added the diameter is the root base of the tree the foundation which will suck up the rains which in turn would help with flooding. Feels the town is on the right track with making a healthy environment for future generations with the Greenway project and connecting to the National Parks and persevering the trees. It's not that complicated because there are partners here to help.

Commissioner Rouse asked if a builder can contact the organization and how does that work. The organization is CITIS but there would be some type of fee involved. She will share that information with Commissioners Rouse.

Chairman Bloemandaal made a motion to close the public hearing.
Commissioner Hoffer seconded, all in favor (7-0).

Commissioners discussed the specific options. Possibly penalize for cutting down trees on the larger lots, incentives not penalties, need to get a definition for a Canopy Tree not a Heritage Tree, lot size based on a case by case, needs general statements to preserve trees for a healthy environment, the position of a tree maybe a factor, setbacks could also be a factor. Decided to give a recommendation on a direction to Mr. Murphy on incentivizing and what they will be to replant or save what is already there or a combination, better clarification on which trees we want to protect.

Mr. Murphy asked for the definition of and what types of trees they would consider. Canopy Tree definition is any tree that is normally more than 40' in height, the spread of at least 15' at maturity that provides shade from it's foliage. New Canopy trees shall be a least 2.5" in diameter or caliber measures 6" above the ground and at least 8' in height. This will be a recommendation for staff and take it to TRC in January. Would like to bring something back to P&Z in February and then possibly go to Council in March which would involve the public's opinion.

ACTION: Chairman Bloemandaal made a motion to give a recommendation on more direction to Mr. Murphy. Definition of and what type of trees, incentivize and what they would be replant, save or both.

Vote: UNANIMOUS

NON-AGENDA ITEMS

Commissioner Kennedy would like to look into pervious concrete feels the town has too much

impervious concrete.

Commissioner Hoffer updated on the Greenway Project to be finished in February but realistically March or April. They are putting together a Greenway System, to try to create a true network of paths.

Commissioner LeCompte updated on the Steering Committee which was basically introductions, some folks that have never volunteered on any committee which could bring fresh ideas. The next meeting is January 16th.

. **ADJOURNMENT**

Commissioner LeCompte made a motion to adjourn at 8:36 p.m.

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