

CAROLINA BEACH

Planning and Zoning Minutes
Thursday, August 9, 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, August 9, 2018 at 6:30 PM at Council Chambers.

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

ABSENT:

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

. CALL TO ORDER

- a. Meeting was called to order at 6:31p.m. by Chairman Bloemendaal.

. APPROVAL OF MINUTES

- a. Approval of Minutes

Planning and Zoning - July 12, 2018 Meeting Minutes

Commissioner LeCompte made a motion to approve the minutes.

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

. STAFF REPORT ON RECENT COUNCIL MEETINGS

Mr. Parvin - the Town Council Meeting is not until next Tuesday, August 14, 2018.

. STAFF REPORT ON RECENT DEVELOPMENTS

Mr. Hardison reported on the recent activities in the Planning and Development Department regarding permits and violations as well as new businesses, along with updating Harper Ave Streetscape Projects Workshop. Mr. Parvin added there will be a few public workshop one on August 15th for Phase C and Harper Ave, and August 16th for the North End, then the Harper Ave Streetscape and there will be a Town Council workshop for that on August 28th. King Tide Event this weekend we will be experiencing extreme High and Low tides, expect flooding on Canal and Freeman Park. Also reported on special events. No questions were asked of Mr. Hardison.

. DISCUSSION ITEMS

- a. Tree Preservation Ordinance

Councilman Garza requested the Planning & Zoning Commission discuss amending the landscape ordinance to address tree preservation for residential lots to prevent “clear cutting”. Currently the zoning ordinance does not require landscaping or the preservation of trees for one and two-family dwellings. The only requirement for one and two-family development is to mulch, seed, sod, or otherwise protect it to limit erosion from occurring. Commercial and residential development that are three units or more require a landscape buffer around the perimeter of the property. It’s not required to preserve existing vegetation, but if it is done for these types of developments credit is given toward meeting the required buffer yard provided the caliper of the trees is equal to or exceeds the specifications.

In 2005 Council had a similar request and asked staff to review the landscaping ordinance to incorporate the preservation of trees for residential development. The Planning & Zoning Commission had concerns that on a 5,000 sq. ft. lot it is difficult to preserve any trees by the time you clear the lot for the house and driveway, there is not much yard to preserve. The Commission discussed other options that would require tree plantings at the end of construction but did not want to mandate the planting of trees, because not all lots have trees on them prior to building on them. Ultimately it was recommended and adopted to encourage existing trees to be preserved to the extent practical by retaining or planting a minimum of one (1) tree for each two thousand (2,000) square feet of lot area or fraction thereof. The ordinance encouraged preservation or plantings but it was not required and had no teeth and was removed from the ordinance as part of an ordinance update in 2015. Although it is not required the majority of residential development does landscape and plant trees after it is developed.

The state has granted the authority for a municipality to preserve trees on private lots except in conjunction with certain forestry activities. In 2014 there was a bill introduced to the general assembly that would prohibit a municipality from preserving or requiring plantings on private lots, but it never materialized.

Staff has attached a map and spreadsheet of the total number of vacant lots by each zoning district. The town currently has 17% of all residential lots that are undeveloped.

ISSUES WITH AUDIO THROUGHOUT THIS MEETING - Some comments/statements were (INAUDIBLE).

Commissioner Rouse - is staff asking for an action.

Mr. Hardison - we are looking for direction.

Mr. Parvin - will be updating Council Meeting next Tuesday on non-agenda items and whether to leave this the same or come back with a code. And it's possible Council will want something back.

Commissioner Kennedy - feels we need to have a discussion to get started.

Mr. Parvin - start the ordinance with a purpose and why do we want this ordinance.

Chairman Bloemendaal- questioned for existing homes and existing trees, property owner wants a tree to be removed - what would be required.

Mr. Hardison - when preserving trees or wanting to remove them than it would need documentation and a survey. Tree preservation is all up for discussion for new construction or town wide.

Commissioner LeCompte - so out of 17% of our vacant residential lots - 75% of them are 5,000 square foot lots, so we could be discussing creating an ordinance that would only involve 17% of build-able residential lots.

Mr. Hardison - that is the concern, lots that are getting clear cut for development.

Chairman Bloemendaal asked if there is anyone that wants to speak on this topic.

- Tim M. resides at - 413 (INAUDIBLE)
- Ethan Crouch resides at - 932 Searidge Lane-Carolina Sands. Sent his comments to the commissioners but will restate.

Dear P&Z Members (that I have emails for),

I am encouraged to hear that Council, Staff, and the P&Z board are considering changes to the existing landscaping ordinance in effort to preserve trees.

After hearing about these considerations there has been an out pouring of community input in support of these efforts. I hope these desires will encourage us all to continue to work on crafting a policy that works best for our unique island.

Other near by communities have instituted tree preservation polices with great success to preserve the character of their communities as well as a long list of environmental benefits trees provide.

Option 1 is a good starting point to consider for further refinement in the preparation of a final ordinance for council consideration. I would note some components to option 1 could be changed to better facilitate lot development and offer landscaping options to home owners and builders.

In particular, a requirement to save all trees outside construction foot print at a 4 inch caliper and over 10 ft is stringent. A tree of 4 inch caliper and or 10 ft tall is generally not considered a mature tree or part of the existing over story tree canopy.

I believe the intent of a tree preservation ordinance would be to save the mature over story tree canopy to the best extent possible. These trees offer to most benefits for CO2 reduction, shade, habitat, and erosion reduction.

Accordingly, over story trees are generally considered to be approximately 20 ft. tall. The

caliper of a mature tree varies by species and difficult to define. However, at minimum most native species don't reach 20 ft tall if they are under 8 inches. I would need to do some more research on tree caliper but even for a pine to get 20 ft maybe closer to 12 inches.

Additionally, requiring a 1 for 1 replacement of trees cut down within the building foot print is excessive given the average lot size in Carolina Beach. I think the intent for tree replacement should be considered in conjunction with how many trees are preserved outside the construction foot print for a net mature tree over story canopy. Perhaps, a minimum 3 trees per 2,00 sqft of lot or some variance thereof.

We should define 4e better this is an ambiguous statement that could lead to disputes later. Also, I think we should have a long list of definitions for similar concerns. In particular, "construction foot print" need to define home size and a reasonable offset for constructability.

Finally, I think any tree preservation policy should address heritage trees and make every effort possible to protect these trees that have unique cultural significance. A good resource for further insight on heritage trees can be found here as well as other best practices for crafting these types of ordinances.

<http://phytosphere.com/treeord/heritage.htm>

I look forward to seeing what our creative group of people can do to protect these amazing resources and also facilitate construction and home owner landscaping preferences. But it is very good to have a town wide ordinance so everyone is required to play on the same field and the previous voluntary ordinance did not work.

Thanks,
Ethan Crouch

- John Jarvis resides at 300 Columbia a builder on the island. Is guilty of maximizing the footprint for the homeowners. Is in agreement with preserving heritage trees and preserving what we already have. Would like to protect what we have, add where we need to and also feels it would be nice to enforce a landscaping ordinance. He asked if we have a landscape ordinance.

Mr. Hardison - replied yes we do but not for 1 or 2 family dwellings.

Chairman Bloemendaal - tree surveys cost the builder more money and tries to save trees when he is building which is not an easy task. There is not a lot of green space on the lots which are a 10th of an acre. Is in favor of preserving what we can. What is a Heritage Tree. Pointed out we have MOTSU and the state park and will never go away. Our town is not going to be a concrete jungle.

Commissioner Kennedy - cares about the maritime forests here and the heritage trees. Feels this should be our goal and objective. Feels we have enough concert on this island. Doesn't want the government to tell her what she can do with her private property. Would like this commission to be in favor of saving trees. People are interested in preservation.

Mr. Parvin - stated we can address planting trees in a different way.

Commissioner Rouse - feels the builders are doing a good job preserving the trees where they can.

Commissioner Boswell - feels the options are too broad - would like staff to come back with more information. Is in favor of preserving what is already there and the possibility of tweaking option 2.

Commissioner Hoffer - feels this town needs a tree policy and ordinance. You can't replace a Heritage Tree also feels not all need to be kept. Wants to protect them but to define which type of Heritage are of value. Encourages an ordinance to protect those trees.

Kennedy - to clarify we need to have more information and be educated before we can vote.

Planning & Zoning Commission on TREE PRESERVATION:

The overall objective of this board is to preserve Heritage Trees and also to define what is a Heritage Tree as well as what actually are indigenous trees on our island. Wants to preserve trees outside the Footprints. Is concern about the options when removing a Canopy Tree as well as the removal of trees in the building process. Regarding the Land Use Plan process – most would like to tackle this now and not have to wait a year when the Land Use Plan will be adopted.

ACTION: DISCUSSION:

Staff is not recommending an ordinance to move forward to Council at this time. Staff would request direction on any amendments to the landscaping ordinance, if any, and bring back an ordinance for recommendation. Some communities do require tree preservation such as Oak Island, Wilmington, Wrightsville Beach and Emerald Isle (ordinances attached) while others encourage it, but don't require it like Atlantic Beach, Kure Beach, and Kitty Hawk.

ACTION –

To define what a Heritage Tree is and what are the benefits. Is asking council for further direction and is recommending there be some public workshops for more education on Tree Preservation and also for feedback from property owners.

Vote: UNANIMOUS

NON-AGENDA ITEMS

Commissioner Hoffer - is inquiring about the illegal signs that are in the right-of-ways.

Mr. Parvin - replied operations is helping out with that issue but we don't have the extra resource at this time.

Chairman Bloemendaal - inquired about the missing street signs as well as stop signs.

Mr. Parvin - we are replacing a lot of the blades but will need to know which ones are missing.

Commissioner Hoffer - asked has the rain pushed back any of the Projects.

Mr. Parvin - replied yes all of the projects have been delayed.

Commissioner Rouse - any updates with the Federal Point Plaza.

Mr. Parvin - replied they have applied for their demolition permit.

ADJOURNMENT

Commissioner Rouse made a motion to adjourn at 8:23p.m.

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