



CAROLINA BEACH
Planning and Zoning Meeting Agenda
Thursday, January 11, 2018 @ 6:30 PM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

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1. CALL TO ORDER	
2. APPROVAL OF MINUTES	
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a. Text Amendment: Consider a text amendment to Chapter 40, Article III to amend the dimensional criteria for accessory structures. Applicant: Town of Carolina Beach	20 - 21

Staff recommends the approval of the amendments to Chapter 40 Zoning, Sec. 40-75 Accessory Structures. Although accessory structures or buildings are not directly addressed in the 2007 Land Use Plan, there are specific references within the plan to "retain the traditional character and density of single family neighborhoods and areas". The proposed amendment is consistent with maintaining and not increasing density.

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.

b. Food Truck Allowances

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Discussion Item

7. NON-AGENDA ITEMS

8. ADJOURNMENT

CAROLINA BEACH

Planning and Zoning Minutes
Thursday, October 12, 2017 @ 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, October 12, 2017 at 6:30 PM at Council Chambers.

PRESENT: Chairman Keith Bloemendaal, Vice Chair Nan Toppin, Commissioner Deb LeCompte, Commissioner Mike Hoffer, Commissioner Jerry Kennedy, Commissioner Wayne Rouse, and Commissioner Mary Grady

ABSENT:

ALSO PRESENT: Senior Planner Jeremy Hardison and Assistant Town Manager Ed Parvin

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES

a. August 10, 2017 Minutes

Chairman Bloemendaal mentioned that the minutes have old members listed in the roll call and do not list the newest members.

Mr. Hardison said that it was an issue transitioning to the new software but it has been corrected.

ACTION: Motion to accept the minutes with the mentioned change to the roll call.

Motion: Keith Bloemendaal

Vote: UNANIMOUS

3. STAFF REPORT ON RECENT COUNCIL MEETINGS

Mr. Parvin gave an update on the 1.2 mile Greenway Trail that runs from Mike Chappell Park to Alabama Avenue. Council awarded Civil Works the contract. The project is expected to be completed early summer, 2018.

Mr. Parvin mentioned that the Town is hoping to go to bid next month on the Cape Fear Boulevard Multi-use Path.

4. STAFF REPORT ON RECENT DEVELOPMENTS

Mr. Hardison mentioned that there has been a number of staff members leave the department for various reasons. Code Enforcement Officer Mark Hewitt retired. Abby Lorenzo took a job with the Wilmington Metropolitan Organization as a traffic engineer. Research fellow Craig Harris took a job with Pender County as their first flood plain administrator. Brenda Butler is on medical leave so the planning department is short staffed.

Mr. Hardison reported on commercial activity:

Bryant Real Estate will be moving to 1230 N Lake Park Boulevard where Marshal Gardens used to be.

Soul Flavor Kitchen and Bar will be going in the old Zaaki Grill.

St. Paul's United Methodist Church is constructing a 7,315 square foot fellowship hall under a Conditional Use Permit.

Dollar General will be opening up in the next two weeks.

Sherwin Williams is planning a stand alone building next to the Dollar General.

Carolina Smokehouse is planning to occupy the old yoga studio on the Boardwalk at 9 Pavilion.

The Big Apple Bakery has closed but Biscuits and Bakery is planning to open in that location at 1206 North Lake Park Boulevard.

The Squeeze-In Steakhouse is planning to open at 12 South Lake Park Boulevard.

Mr. Hardison gave an update on the meetings scheduled for the following week:

Tuesday, October 17th 5:30 - 7:30 p.m. The Pedestrian Plan Workshop in the Council Chambers
Seafood, Blues and Jazz is this weekend.

Next month's agenda will probably include a consideration to allow body piercing in the Highway Business District.

Commissioner Kennedy expressed concern over demolishing historical buildings such as the Marshal Gardens building that was built in the 1930's. She would like the planning department to inform those who come in for permits to demolish historical buildings about other options. The Federal Point Historical Society may be able to assist with information on how to identify buildings that would be considered historical.

5. PUBLIC DISCUSSION

- a. Chairman Bloemendaal called for public comment. No one spoke.

6. DISCUSSION ITEMS

- a. Conditional Use Permit: Consider a Conditional Use Permit for a 7 unit Planned Unit Development consisting of single-and two-family dwellings located at 2 & 4 Texas Ave. Applicant: Richard Wallace

Chairman Bloemendaal asked that anyone wishing to speak on this item be sworn in. Chairman Bloemendaal swore in all those wishing to speak.

Mr. Hardison spoke on the proposed plan where previously three homes stood. Three houses were moved off property (one off the island). Proposed plans for 3 single-family dwellings, two unit town-homes, a pool, access off of Texas Ave and improving Texas Ave. Two lots to be combined for total of 30,000 Sq Ft.

Commissioner Grady asked wouldn't there be more parking if there weren't as many greenery. Mr. Hardison responded there needs to be a turn-in radius especially for emergency vehicles and we are trying to maintain that but take advantage of the area for landscaping and golf car parking.

Commissioner Kennedy asked Mr. Hardison to restate the CUP requirements, he stated that the ordinance requires for any Planned Unit development within town for a Conditional Use Permit although this area does allow for multifamily but because there is more than one building on a property it kicks it into planning and development which is the conditional use permit for any district that allows for planning and development.

Chairman Bloemendaal added this is under the threshold of where they would have to do their own storm water plan. Mr. Hardison responded there is not a requirement from the state or the town, we just did adopt a storm water ordinance and it does not require them to put in a storm water system and actually requires them to pay a storm water fee.

Chairman Bloemendaal opened the public hearing.

Ned Barnes 814 Carolina Beach Ave North. What the applicant is proposing will enhance the public safety with sidewalk and paving of Texas Ave., to the construction of crosswalks. And several items not required but applicant offered to do this at their expense.

Johnny Lashley lives in Carolina Beach. Thanking the commissioners for volunteering for this committee. He was asked to speak on behalf of the Casa Del Playa group, they are not against this but feel it will be a nice building project. They have a few questions and concerns: How high will this structure be. Mr. Hardison responded the maximum height is 50' and largest dwelling approximately 49'. Mr. Lashley asked where is the access to this building. Chairman Bloemendaal answered there is one driveway on Texas. Mr. Lashley does not feel this is the best thing to do. He is concerned with the Pool up front on Lake Park Blvd. he feels it would be very easy for someone to jump over the fence and would like the committee to consider his concerns. Pleased they will be paving the parking lot. Happy they will be using less than the maximum lighting. They are concerned about the space between the houses. Mr. Hardison responded they are meeting the requirements which is 15' between structures. How many parking spaces on their property. Mr. Hardison responded they will have 4 spaces per unit totaling 28 parking spaces. Also requested that the Flag be honored before the start of the meetings. Committee feels it would be an excellent idea.

Keith Kehoe lives at Casa Del Playa 1518 Lake Park Blvd South. He feels the sidewalk is a great idea but is concerned with the High Traffic area especially during the summer months.

Allen Palmpa lives at 1518 Lake Park Blvd South. Concerned with the traffic and beach access. Mr. Parvin clarified that any questions will be answered after all have spoken then at the time we will deliberate on such matters.

Tara Molitor Barnum lives at Casa Del Playa reiterating the concerns with traffic and view and to improve the bathroom facilities and also regarding the variance would like a height reduction.

Robert Casa Del Playa resident he is not apposed to the development but concerned with the parking which is already a problem at this time and now adding to that issue.

John Mitchell lives at 5 Texas Ave. he is a runner and biker and needed clarification on the sidewalk and parking area which Mr. Hardison pointed out.

Chris Sava lives at 1514 Lake Park Blvd South. feels the requirements are grossly under the reality of what's going on. Feels there will be many more cars per units for the parking spaces that will be available and is also concerned with traffic.

Linda Lashley lives at 1518 Lake Park Blvd South. concerned with just one access why not have two accesses.

Richard Wallace 801 North Carolina Ave. developer for this project. Feels the concerns for safety are valid. They have worked closely with the fire department, planners and utility department to ensure all the requirements. States the reason for one entrance relates to fire safety if trucks were needed there wouldn't be enough room to turn around if there were multiple entrances. Addresses the sidewalks and crosswalks which are needed. Feels the safety issues have been covered.

Jesse Connor lives at 5 Texas Ave. asked about how many public parking spaces. Chairman Bloemendaal responded 4 plus 2 golf cart spaces. He has concerns with parking and any potential emergencies regarding the complex. Feels the plan needs to be revised.

Justin Bishop 5345 Joppa Rd North Carolina. Project engineer for this site. Addresses a few items, they have worked with Fire Department and all requirements for any emergencies have been met, any greenery will meet code, parking drive outs requirements have also been met.

Jim lives at 5 Texas Ave. His concerns are, are we endangering public safety, injuring the value of joining properties, is the proposed in harmony with the area and is there conformity with a comprehensive plan that we recognize here in the Carolina Beach area, and also concerned with the Port-a-John.

Debbie Throparvano lives at 1518 Lake Park Blvd South. is concerned with the traffic and also feels this project will endanger people.

Chairman Bloemendaal made a motion to close the public hearing. All in favor (7-0).

Commissioner Toppin states her appreciation of everyone that has come and also acknowledges their concerns. She feels that there was a critical step missed which was to first sit down with the neighbors and go over the upcoming project. She is suggesting that a meeting be held with the neighbors to help them understand this project before it goes to Town Council.

Commissioner Grady asked cut outs are not allowed because of the State Road. Mr. Hardison responded there would have to be a DOT permit. Fence height around the pool Mr. Hardison responded minimum requirements are 4' and maximum is 6'.

Commissioner Kennedy asked Mr. Hardison when Texas Ave is paved it will become an active street that will have beach access parking on left and private resident on right that is quantifiable. And wants to confirm there is only 4 spaces and 2 golf cart spaces within the public right of way. Mr. Hardison responded if not designated space on Texas Ave then will be enforced by the police or our private parking company.

Commissioner Rouse asked at this time is there only 4 spaces available Mr. Hardison responded correct. Commissioner Rouse so there will actually be more.

Commissioner Le Coompte states she rode by and there is 4 metered spots, she feels that paving and putting lineage in will be a huge asset.

Commissioner Hoffer asked if proposing with one access would DOT be ok with that. Mr. Parvin responded they could get a permit from DOT.

Commissioner Le Compte stated there is a curb cut at Texas

Mr. Parvin DOT encourages side street access which is part of their code.

Commissioner Rouse asked could there be more parking or less. Mr. Hardison responded parking is based off of the number of bedrooms.

Commissioner Kennedy asked to restate the combining of the lots. Mr. Hardison responded the current layout of the property is 2 properties based on their design it would require a recombination into 1 lot. There would probably be an association developed for this project. Every duplex has an association that is involved on how to handle the common area. He states there is another property on the island that has 3 single family homes on 1 lot.

Chairman Bloemendaal what is the width of the right away. Mr. Hardison responded 50' and approximately 150' deep. The reason it's parallel is not to have conflict with trash truck and larger trucks. This is Chief Griffin's recommendation. How many units enter into the south side of Texas Ave. Mr. Hardison responded there are a total of 6.

Commissioner Kennedy feels the residence will see a more organized project and all of this will be much better then what there is at this time.

Commissioner Rouse feels the of 2' buffer and a little bit of landscaping would be a good trade off, also added that this is a nice project with all the benefits.

Chairman Bloemendaal touched on the public's concerns and is in favor of this project. Mentioned the two waivers and has no problem with the waivers.

Commissioner Toppin is concerned with paving the lot regarding any water issues. Chairman Bloemendaal agrees and asked about the drainage plan. Mr. Parvin stated the new ordinance where they have to handle the storm water they have to have a plan but do not have to have a system. They will have to get approval from the storm water department.

Commissioner Kennedy states her concern regarding the public bathrooms.

Commissioner Toppin requests that the Council is aware of the concerns and feedback regarding the public bathrooms.

Mr. Hardison stated that there is a request that all of our beach access have more public facilities.

Commissioner Hoffer would like the 4' sidewalk wider.

Commissioner LeCompe will there be a crosswalk light. Mr. Hardison responded there will be a painted crosswalk in the road. She added that the town should look into the crosswalk lights because of any hazards.

Commissioner Rouse made a motion to recommend council to approve the applicants request as is written.

ACTION: The use meets all required conditions and specifications. 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.

- Waiver of the corner setback from 12.5' to 10.47'
- Waiver of the Landscaping buffer on south side of the pool.

Chairman Bloemendaal clarifies the motion, we recommend approval of the conditional use permit for the 7 unit Planned Unit Development consisting of single and two family dwellings located at 2 and 4 Texas Ave. The use meets all required conditions and specifications, the location and character of the use have developed according to the plan has submitted an approved to the plan has submitted an approved will be in harmony with the area and which it is to be located and in general conformity with the town land-use plan and policies. Also to include the waiver of the corner setback from 12.5' to 10.47' specifically and the waiver of the landscape buffer on the south side of the pool. The motion was seconded by Commissioner Kennedy. All in favor (7-0).

Vote: UNANIMOUS

7. NON-AGENDA ITEMS

Commissioner Kennedy requested that if the Board has ideas or statements regarding an item they are about to vote for, to please bring it up during discussion and not right before the motion is made. She feels that the Board historically will bring up issues just before the vote that may need more discussion.

Commissioner Toppin asked about her request from the last meeting regarding the duplex that is non-conforming in the Neighborhood Business District. She had requested that the Town look at a way to get them to a conforming status.

Mr. Hardison replied that one way would be to add two family dwellings to that zone. There was also discussion to wait and address this matter during the update of the Land Use Plan.

Commissioner Toppin asked that staff not forget about this.

Chairman Bloemendaal asked for an update on the accessory structure that was discussed at the last meeting.

Mr. Parvin replied that Council discussed this at their last workshop and they focused on infrastructure specifically the Waste Water Treatment Plant. The Town is looking at starting Phase 1 of the Land Use Plan. They will be looking at all the zoning districts. Council requested that staff gather this data first and then they could revisit the accessory structure item.

Chairman Bloemendaal requested that staff start looking at the accessory structure item now for people like Mr. Barbour who is trying to build a pool house.

Commissioner Kennedy added that all Chairman Bloemendaal asked for in his original request was that

the height requirement be raised and it blossomed from there. She asked if Council could consider this one matter.

Chairman Bloemendaal asked Mr. Parvin if he could bring back the item to review the height and the size requirement only.

Mr. Parvin replied that he would.

Commissioner Kennedy stated that she supported Commissioner Toppin's suggestion to have a Best Practices brochure or information to provide to citizens to help them understand large projects.

8. ADJOURNMENT

Commissioner Rouse made a motion to adjourn the meeting at 8:20 p.m. Motion carried unanimously.

CAROLINA BEACH

Planning and Zoning Minutes
 Thursday, December 14, 2017 @ 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 14, 2017 at 6:30 PM at Council Chambers.

PRESENT: Chairman Keith Bloemendaal, Commissioner Deb LeCompte, Commissioner Mike Hoffer, Commissioner Jerry Kennedy, Commissioner Wayne Rouse, Commissioner Mary Grady, and Vice Chair Nan Toppin

ABSENT:

ALSO PRESENT: Senior Planner Jeremy Hardison

- **CALL TO ORDER**

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

- **APPROVAL OF MINUTES**

2 sets of minutes will be approved for next meeting in Jan 2018. Oct'17 not completed due to staff

- **STAFF REPORT ON RECENT DEVELOPMENTS**

Mr. Hardison reported on recent permitting and events. No questions from commissioners.

- **STAFF REPORT ON RECENT COUNCIL MEETINGS**

Mr. Hardison reported that Town Council meeting on December 12, 2017 was a ceremonial meeting sworn in Mayor Elect Joe Benson and Council Elect JoDan Garza. No action items for Planning and Zoning. At the November meeting they heard the CUP and went along with P & Z recommendation for the Texas Ave property.

- **PUBLIC DISCUSSION**

Chairman Bloemendaal explained the process for the CUP project.

- **DISCUSSION ITEMS**

- a. Amend Article III, IX, and XVIII to allow for Body Piercing in the Highway Business District. Applicant: Corey Hardison

Mr. Hardison spoke on the text Amend Article to allow Body Piercing in the Highway Business District. Currently the ordinance of silent on any kind of piercings that are allowed, we do not have any body piercing facilities. Mr. Hardison's recommendation if the commission chooses is to adopt

allowance separately from ear to body piercing.

Commissioner Kennedy is this a CUP. Mr. Hardison responded this is applicant driven and if the board considers the applicants request he recommend a CUP. There are other options could be permitted by right or current ordinance which is not allowed.

Chairman Bloemendaal asked how are the tattoos permitted. Mr. Hardison responded with a CUP with the distance requirements.

Mr. Hardison stated if you don't allow the use then your recommendation would be not to allow the use with the town to Town Council.

Commissioner Toppin asked about the separation requirements are they created by the town for the tattoo studio. Mr. Hardison responded we do have additional uses that have separation requirements. There are distance requirements whether it be bars from residential or from churches or schools.

Chairman Bloemendaal made a motion to open the public hearing.

Commissioner Hoffer seconded the motion all in favor (7-0)

Cory Hardison 6260 River Woods Dr, Wilmington. They are turning away customers which means they are loosing out on business. His business has been here since 2013 and they are proposing we have a room that's already meets all requirements which is permitted out. Will have a supply for any customers with allergies.

Chairman Bloemendaal asked is this not regulated through the state. Mr. Hardison responded the only other regulation is New Hanover County. Their requirements have all been met.

Mr. Jeremy Hardison states the state requirements that the house bill were never adopted but there are some new proposed legislation currently being considered and are heavily regulated under the health department.

Mr. Ned Barnes states that settlement of the litigation it was agreed by the owners of Pleasure Island Plaza for the restrictions. Any issues the tenant and the HOA have are between the two parties. An amendment to the restrictions was approved by the owners barring body piercing.

Chairman Bloemendaal made a motion to close the public hearing.

Commissioner Grady seconded all in favor (7-0).

Commissioner Hoffer feels this should be permitted by right.

Chairman Bloemendaal is not a fan of CUP for this type of thing, we use them as a crutch.

Commissioner Kennedy this all meets all the requirements

Commissioner Toppin is concern with the separation requirements.

Chairman Bloemendaal made mention of another establishment from the boardwalk which was a church.

Mr. Hardison church was allowed next to the bar but not a bar next to a church, which is a one-way separation.

Commissioner Rouse where the business is located regardless if we approved yah or nah it has no effect because they can't do it there anyway. Chairman Bloemendaal stated it would be between them. We are just voting on body piercing in general.

Mr. Hardison states that this application is not for a specific site location it's for the highway business. It would be within your rights if you want to ask the applicant does this change anything for you but knowing that information does he still want to pursue. The application that was petitioned for the Commission to consider was for the highway business zoning district to allow for body piercing.

Commissioner Grady feels that if tattoo parlors require a CUP then the body piercing should as well and all agreed.

Commissioner Toppin states the separation agreement was put in place because there was so much heartache with the idea of having a tattoo studio.

Mr. Hardison states the separation agreement is put in place to to limit the density of the type of use.

Commissioner Rouse asked the applicant if he would like to move forward with the text amendment and understanding the reasons that can't enter into our voting.

Cory Hardison states they want this to be in their tattoo studio

Chairman Bloemendaal clarifies the litigation states that there would be no body piercing in your unit. The applicant was not aware of this. Asked if he want the commission to vote knowing there's probably a pretty good chance you won't be able to do so.

Cory Hardison stated that he spoke with the other tenants and they are supporting this and they are fine with everything as long as it is cleared by the commission. He would like the commission to vote and they would handle that after the fact.

Chairman Bloemendaal made a motion that we approve the amendment article III, IX and XVIII to allow for Body Piercing in the highway business district and is in consistency with our land use plan.

Commissioner Grady seconded the motion all in favor (7-0)

- ACTION:** (1) It is recommended the Town Council open the public hearing for comments.
 (2) Close the public hearing
 (3) Consider approval or denial of the proposal and make a motion according to the appropriate statement.

New Statutory Requirements

The General Assembly amended G.S. 153A-341 and 160A-383 to add more specificity to the law regarding the mandated plan consistency statements. The amended statute still requires approval of a statement and the statement still must describe plan consistency and explain why the proposed action is reasonable and in the public interest. However,

the form of the required statement has changed. The statement must take one of three forms:

1. A statement approving the proposed zoning amendment and describing its consistency with the plan;
2. A statement rejecting the proposed zoning amendment and describing its inconsistency with the plan; or
3. 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.

Vote: UNANIMOUS

- b. Conditional Use Permit: Conditional Use Permit to redevelop the Federal Point Shopping Center located at 1018 N Lake Park Blvd. & 1001 Saint Joseph St.

Mr. Hardison spoke on the proposed plan to redevelop the Federal Point Shopping Center.

Chairman Bloemendaal swore in all those wishing to speak.

Chairman Bloemendaal asked will the stop light service _____. Mr. Hardison, No.

Commissioner Rouse asked 13 parking spaces over, would the inter-connectivity reduce the number of spaces. Mr. Hardison, No.

Chairman Bloemendaal asked do the parking spaces include the future buildings that aren't there. Mr. Hardison, Yes.

Commissioner Grady asked without the inter-connectivity for the Harris Teeter lot would that not devalue the lot. Mr. Hardison responded from a planning stand point we would like to see inter-connectivity. No other questions but Chairman Bloemendaal reserve the right to re-question Mr. Hardison.

Commissioner Kennedy motion to open the public hearing.

Commissioner LeCompte second, all in favor. (7-0)

Applicant: Gordon Cobbs 1444 State St, New Orleans, LA with GHK Cape Fear Developments out of New Orleans with business partner Vin Wells out of the Wilmington office. Also engineers Jonathan Guy and Jason Anderson and David Martin Realtor. Proposing a Grocery Store and anchor center. If approved, plans to close on property spring of 2018 and start demolition soon after to demolish entire center. Construction typically takes about 10 to 12 months to build. To bring one thousand construction jobs grocery store of this size would employ 100 to 150 employees. Proposing 51,000 square foot box with 84,000 square feet attached to it with future pads for 8,000 and 10,000 square foot buildings. Asking one variance, 10' side landscape yard. They are providing a grading and drainage plan and two water retention ponds. Photometric plan that is designed no power spill over onto neighboring lots. Landscape plan with massive upgrading for finishing touch and irrigation as well. Cross access plan to adjacent properties. Not able to provide cross access to the Harris Teeter property at this point due to major competing usage.

Chairman Bloemendaal asked Mr. Cobbs what is the plan for the two buildings for the future, will

there be just a vacant lot. Mr. Cobbs responded that they plan on landscaping and install drive outs. The large live oak will be taken down he is asking them to replace this with the same type of tree to potentially to grow into another large tree. DOT they are still waiting to hear back regarding the medians and turn lanes. Wings and business centers did not want to close their road cuts. Mr. Cobbs responded that is correct.

Commissioner Kennedy what part of the lot are you raising. Mr. Cobbs responded just the building pad then graded down from there.

Commissioner Rouse understands that they don't want to give inter-connectivity a competitor if this was not another grocery store would you have the same thoughts. Mr. Cobbs responded no they would also like to promote the inter-connectivity for the other businesses.

Chairman Bloemendaal asked if they reduce it to one driveway cut would that bring the CUP back to the beginning that major of a change from 3 to 1. Mr. Hardison responded would need to see their site modifications if it would trigger to be a major or minor change. If it would change the traffic he believes it would be a major modification which would have to go back through the process. Chairman Bloemendaal states that he is a fan of inter-connectivity.

Commissioner Toppin asked if there would be a store that is similar would that be a major competing use. They could work around it but the grocery store is their biggest issue.

Chairman Bloemendaal asked knowing that a grocery store was going to be built, what made your client want to build right next door to another that has already been approved. Your intent is to start immediately. Concerned with the inter-connectivity issues which would have to be passed at this time.

Mr. Cobbs states that his client is very interested in being a part of this community. They want to work with the tenants and have no intentions of slowing this process down. If there would be inter-connectivity they would not be able to move forward.

Commissioner Hoffer asked are you beholding to the wings store to make this project happen.

Mr. Cobbs responded they want to make the road improvements if Wings won't do it they are hoping to fall back on the plan that Harris Teeter which did not require any road improvements. Negotiations are open at this time working with Wings.

Chairman Bloemendaal asked Mr. Hardison would this affect what we are denying or passing today regarding the turn lane in the plan, would that bring them back to square one.

Mr. Cobbs responded if they can't get Wings on board they will have another plan that doesn't not have the turn lane.

Mr. Hoffer how does Wings effect the turn lane. Chairman Bloemendaal responded the right turn lane gets widened which then is tapered down to 4 lanes of traffic.

Chairman Bloemendaal motion to open up the public hearing.

Commissioner Rouse seconded the motion. All in favor (7-0).

Ned Barnes lives at 814 Carolina Beach North. President of the Pleasure Island Plaza HOA. The plaza is not opposed to the driveway closest to the stop light. And he supports the inter-connectivity for this project.

John Lennon lives at 6319 Marywood, Wilmington. Wilmington Army Corp - Federal Point Shopping Center. He is in favor of this project and asks for the support from the Commission.

Don Massingile lives at 1020 Lake Park Blvd. He works for Maxway, his concerns are can our island support 4 grocery stores, feels the people need a store like Maxway that is affordable. He feels we need more than just an island full of grocery stores.

Paul Boroznoff live on 103 Lighthouse Dr. Concerned regarding the retention pond and flooding. There are no issues at this time.

Travis Richardson live on 905 Grand Bahama Drive. With all the developing going on he is very concerned with flooding. If there is flooding due to the project will have to relocate. Another concern is the flow of traffic on Saint Joseph's street. Would like to see sidewalks on the entire Saint Joseph's street.

Chairman Bloemendaal points out the stormwater is regulated by the state, he asked someone with the project to address these concerns.

Jason Henderson lives at 404 Camperdown Way, Greenville, SC. He is with Blue Water Civil Design he is the civil engineer for this potential project. At this time there isn't a lot of stormwater management. They are proposing to do is to fill in the existing pond and build two bigger ponds to hold the majority of the development which is way above the state's requirements. Goal is to collect water in pipes underground.

Chairman Bloemendaal asked what will this do to the elevation where the houses are.

Mr. Henderson states that the ponds will be somewhat on grade where the bottom elevation is 3 and the base flood is elevation 12 or 13. Is also proposing a 5' sidewalk along the frontage of the property on Saint Joseph's.

Commissioner LeCompte asked about the truck routes coming in from Lake Park Blvd North, there will be no truck access on Saint Joseph's.

Commissioner Kennedy concerned with the affordable shopping that will be going away. Will there be anything to come in it's place.

Mr. Cobbs responded there has not been any talk as of yet regarding the relocation of the tenants, but they are open for discussion.

Commissioner Rouse asked about the tenants leases, are they short term.

Mr. Lennon responded generally speaking yes they do have short term leases.

Tom Savery lives at Lighthouse Dr. He needs clarification on a Retention Pond, which has an outlet. And also concerned with the amount of water. Suggests that the pond water be used for irrigation.

Keith Casa Noble live in Cornelius, NC. He represents Harris Teeter. Time line of current process, they received approval August 2015 then April 2017 had to come back for re-approval of this project due to Wings not cooperating. Feels that if they had their cooperation they would be open at this time. They want to be here, they are also in favor of inter-connectivity, they have sponsored many events and have also granted a few different easements for stormwater treatment as well. Would like the commission to give them a recommendation to inter-connect to our property.

Chairman Bloemendaal made motion to close the public hearing.

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

No questions for Mr. Hardison at this time.

Chairman Bloemendaal feels the market dictates what we need and isn't sure how to respond.

Commissioner Hoffer likes the Maxway but that's not what they are voting for. Stormwater is also not something they are there to vote on, the leases aren't either and neither is Harris Teeter.

Chairman Bloemendaal feels the inter-connectivity is the biggest sticking point.

Commissioner Rouse his opinion is we form a recommendation so that they have to give inter-connectivity to anyone except a big grocery store.

Chairman Bloemendaal it would be their property and they have the right to offer inter-connectivity or not. He is 100% behind Commissioner Rouse on property rights and also understanding the traffic issues and one stop light.

Commissioner Toppin she feels strongly about inter-connectivity. Appreciates the comment about a major competitor but it's not specific there's no real obligation there it's just a we think we would do the right thing and there's nothing more definitive than that and I'm not comfortable with that.

Commissioner Grady

Chairman Bloemendaal is not going to vote for a motion that doesn't have inter-connectivity.

Commissioner Hoffer has other issues, pedestrian safety, vehicle access, convenience he doesn't think it really works that well. Feels the portion of the property needs to be bike friendly.

Chairman Bloemendaal asked Commissioner Hoffer are we in the business of making private property owners be bicycle friendly parking lots or are we in the business of doing that on public right-of-ways. He responded we are here to encourage it. Commissioner Hoffer states it was one of the requirements about providing pedestrian safety and convenience. Chairman Bloemendaal asked Mr. Hardison to bring up the conditions from the presentation. Chairman Bloemendaal with read through the conditions -

Commissioner Toppin regarding the right turn in how does that not hurt the property value. Chairman Bloemendaal we have not heard any evidence claiming that and we can't make that judgement.

Commissioner Kennedy will there be a left hand turn out of the proposed grocery store onto Lake Park Blvd. Mr. Hardison responded yes.

Commissioner Kennedy made a motion to approve the plan as submitted with a condition that they must provide inter-connectivity or a stub out to the adjacent south property to connect to when it is developed and in addition grant the town access and a utility easement to the sewer and water mains and to Ryder Lewis Park. The use meets all required conditions and specifications. 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.

Chairman Bloemendaal seconded the motion. All in favor (5-2)

ACTION: **Approval** must be consistent with the findings in the Zoning Ordinance as follows:

(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 issuance of the C.U.P.

- (2) That the use meets all required conditions and specifications;
- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (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.

Denial should be directly related to one or more of the following findings.

Reasons for denial must be specifically stated by the Council:

- (1) That the use will materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by issuance of the C.U.P.
- (2) That the use does not meet all required conditions and specifications;
- (3) That the use will substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (4) That the location and character of the use if developed according to the plan as submitted and approved will not 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

Vote: UNANIMOUS

• **NON-AGENDA ITEMS**

Mr. Hardison introduced Andrea Norris our new board secretary also Mile Murphy is our new town planner.

Chairman Bloemendaal asking about the accessory buildings amendments

Mr. Hardison responded with the discussion with the Town Council it was determined that we would look at that as part of our land use plan update process.

P & Z recommended for staff to bring back the accessory building amendments for their review. P & Z also recommended staff bring back the Mobil Food Trucks for discussion.

Commissioner LeCompte made motion to adjourn.
Commissioner Bloemendaal seconded the motion.

• **ADJOURNMENT**

@ 9pm

Dimensional standards for accessory structures.



ORDINANCE NO.

Amend Chapter 40 Article III, Sec 40-75, Dimensional standards for accessory structures.

Sec. 40-75. - Dimensional standards for accessory structures.

(a) Accessory ~~structures~~ buildings associated with ~~residential~~ all uses shall:

- (1) Be included when calculating the total allowable lot coverage; ~~and shall not constitute a proportionate size greater than 25 percent of the principal building's lot coverage, regardless of the lot size;~~
- ~~(2) Be limited to 15 feet in height;~~
- (2) Not exceed the footprint of the principal structure;
- (3) Not be permitted within any required front or corner side ~~or side~~ yard, or within five feet of the side or rear lot line lines;
- ~~(4) Not be occupied, leased, rented or otherwise used for profit, income or for gain;~~
- ~~(5)~~(4)Not be used as a dwelling unit;
- ~~(6) Contain no more than three internal plumbing fixtures (water heater is exempt);~~
- ~~(7) Maintain a residential appearance and shall not produce impacts detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking, or other activities;~~
- ~~(8)~~(5)Be required to obtain a building permit if any dimension is greater than 12 feet or if the building is for a commercial use;

(b) Accessory ~~structures~~ buildings associated with ~~non~~residential uses shall also:

- (1) Be limited to 25 feet in height;
- (2) Not be occupied, leased, rented or otherwise used for profit;
- (3) Contain no more than three internal plumbing fixtures (water heater is exempt);
- (4) Shall not produce impacts detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking, or other activities;
- ~~(1) Be included when calculating the total allowable lot coverage;~~
- ~~(2) Not be permitted within any required front or corner side or side yard, or within five feet of the side or rear lot line lines;~~
- ~~(3) Not exceed the size of the primary structure;~~
- ~~(4) Not be used as a dwelling unit;~~
- ~~(5) Require a building permit and meet state building code requirements.~~

(c) Swimming pools setbacks.

- (1) Setbacks for swimming pools less than 30 inches above the ground level of the graded lot:
 - a. Front yard: As required for the zoning district.
 - b. Side yard: Five feet.
 - c. Corner yard: Five feet.
 - d. Rear yard: Five feet.
- (2) Setbacks for swimming pools more than 30 inches above the ground level of the graded lot:
 - a. Front yard: As required for the zoning district.
 - b. Side yard: Five feet.
 - c. Corner yard: 7.5 feet.
 - d. Rear yard: Five feet.

(d) Exemptions.

- (1) The following shall be exempted [from the requirements for](#) the one customary accessory building:
 - ~~a. Fence;~~
 - ~~b. Flagpole;~~
 - c. Dog house not to exceed 16 square feet;
 - d. Pump house not to exceed 16 square feet;
 - e. Playhouse not to exceed 36 square feet nor eight feet in height;
 - ~~f. Private swimming pools and their associated decks, fencing and equipment;~~
 - g. As may be allowed for under article XI of this chapter (conditional use permit approval process).
- (2) The exemptions shall not have sewer, electrical and plumbing, except for pools and pump houses.
- (3) These exemptions, [in addition to private swimming pools and their associated decks and equipment](#), are not considered as part of the lot coverage.
- (4) [Accessory structures for Institutional Uses shall be exempt from the requirements of this section.](#)

Adopted this 13th day of February 2018.

Joseph Benson, Mayor

Attest: _____
Kimberlee Ward, Town Clerk



AGENDA ITEM

Meeting: Planning and Zoning - 11 Jan 2018
Prepared By: Ed Parvin
Department: Planning

Food Truck Allowances

- BACKGROUND:** Staff will give an overview of the current allowances for food trucks in Carolina Beach.
- ACTION REQUESTED:** Discussion Item
- COMMITTEE RECOMMENDATION:** Overview of Food Trucks provided by Staff at the request of the Planning and Zoning Commission. No changes are currently recommended.
- ATTACHMENTS:** [Itinerant Merchant slides](#)
[Sec. 14 22. Itinerant merchants.](#)



Itinerant Merchant

PLANNING AND ZONING
JANUARY 11, 2018

Purpose

1. Placing a temporary commercial operation (i.e. food truck) on private property.
2. Limited to those with CB businesses in operation for at least one year. (tracked through business registration)
3. Temporary commercial operation must be the same as what is offered at the primary business location. (i.e. if your primary business is a real estate office you could not have a hot dog stand)
4. If your temporary commercial operation is open then your primary business should also be open.
5. Allows for a creative way for CB businesses to expand on a seasonal basis.

Requirements

1. Copies of all local state and federal approvals must be kept on-site for inspection at any time.
2. Dates of operations (no more than 180 days out of the year)
3. What will be provided for sale or lease?
4. Scaled site plan of the property
5. Signed agreement with the property owner that allows the itinerant merchant ops
6. Restroom facilities within 200 feet
7. Contract to manage solid waste
8. Must have registration for vehicles/trailers

Condition

1. No more than one per lot.
2. Only allowed in CBD, HB, NB, T-1, MB-1, and/or I-1
3. Located at least 100 feet from (a) property line of another itinerant merchant, (b) property line of business providing similar services/sales, (c) zoning boundary of any residentially zoned properties
4. Transactions must occur on-site only

Public Safety / Nuisance prevention

1. All plumbing and electrical connections shall be IAW Code.
2. No drive through operations
3. Site Plan to ensure safe navigation of the site is maintained
4. Plan for solid waste

Design

1. State Registered vehicle/trailer
2. Signage on the vehicle/trailer and one temporary sign IAW zoning codes.
3. No more that 500 square feet of vehicles/trailers. Merchandise displays shall be no more than 250 square feet.
4. 1 parking per 250 square feet of vehicle/trailer area

Administration

Review applications and site plans for code compliance

Visit PB to ensure all commercial operations proposed at the IM are available

Once IM opens a final inspection of both the PB and IM will occur

Issued violations

Violation = \$100

3rd Violation = IM permit revocation

Revoked permits can be appealed to Town Council

QUESTIONS?

Sec. 14-22. - Itinerant merchants.

(a) *Findings and purpose.* It is hereby determined that:

- (1) An itinerant merchant shall be defined as the act of utilizing a property with temporary facilities in order to conduct "commercial operations" herein defined as the display and sale of general merchandise, goods, and services.
- (2) Prior to obtaining approval, the itinerant merchant shall maintain a primary business location in the town for one year.
- (3) Commercial operations at the itinerant merchant location shall be limited to the same commercial operations that are offered at the primary business.
- (4) The primary business shall be located in a building and open at all times when the itinerant merchant is operating.
- (5) The purpose of the itinerant merchant allowance is to create a way for businesses to expand to other properties on a seasonal basis.

(b) *Administration.*

- (1) The town manager or their designee shall be the "official" with the primary responsibility for those matters set forth in this section and enforcing the same through any applicable provision of law. "Official" also includes any other person as may otherwise be designated by law as having authority in a particular matter within the scope of this section.
- (2) A violation of an itinerant merchant permit shall result in a fine equal to the cost of the original permit as defined in the town's annually adopted rates and fees schedule. The third violation of an itinerant merchant permit shall result in the revocation of the permit. A new permit may not be obtained until the next calendar year.
- (3) Administration procedures under article XI of this chapter shall also apply.

(c) *Permit requirements.*

- (1) The approved itinerant merchant permit and any other required local, state, or federal permitting shall be maintained on site at all times.
- (2) The itinerant merchant permit application shall include:
 - a. Dates of operation.
 - b. Types of goods for sale or lease, and/or any services provided.
 - c. Name of property owner, business owner and itinerant merchant.
 - d. A scaled drawing showing lot lines, existing buildings or structures, proposed vehicles/trailers and any merchandise display areas, location and size of the public rights-of-way, any on-site parking and proposed ground coverage. No part of the operation shall be located in any required setback, site triangle, or required buffer.
 - e. Proof that the property owner or designated agent (lessee) grants permission to locate the itinerant merchant operation on the property.
 - f. Show and/or provide proof of access to restroom facilities within 200 feet of the itinerant merchant location.
 - g. Copy of the itinerant merchant's contract to handle solid waste.
 - h. Copy of vehicle/trailer registration(s).
- (3) Expiration. Itinerant merchant operations shall be limited to 180 consecutive days per calendar year. Each calendar year a new permit shall be required to be submitted and approved prior to conducting itinerant merchant operations.

(d) *Conditions.* Applicants shall provide a business plan that addresses all criteria required by this section. The following standards shall apply:

(1) *Location.*

- a. No more than one itinerant merchant shall be located on a lot.
- b. Itinerant merchants shall only be located in the following commercial districts: CBD, HB, NB, T-1, MB-1, AND I-1.
- c. Separation requirements. Itinerant merchant vehicles/trailers shall be no less than 100 feet from:
 1. The property line of another lot housing an itinerant merchant.
 2. The property line of another business providing similar services, or sales (i.e., food sales, retail sales, beach items for rental, surf lessons, etc.).
 3. The zoning boundary of any residentially zoned property.
- d. All transactions and operations shall occur at the approved itinerant merchant location only. No monetary transactions shall be allowed on public property outside of the approved primary business or itinerant merchant location.
- e. Prior to obtaining approval, the itinerant merchant shall maintain a primary business location for at least one year in the town. Commercial operations at the itinerant merchant location shall be limited to the same commercial operations as are offered at the primary business.

(2) *Public safety and nuisance prevention.*

- a. Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the state building code.
- b. An itinerant merchant shall not operate as a drive-through.
- c. Any modifications to the lot shall require an amendment to the site plan for review and approval from the town prior to being conducted.
- d. No exemptions from solid waste collection/disposal service. No merchant or occupant of premises within the town shall be exempt from the collection and disposal service provided by the town or its franchise.

(3) *Design.*

- a. Registered vehicle/trailer. Itinerant merchants are required to operate out of a readily movable trailer or motorized wheeled vehicle, currently registered with the state division of motor vehicles, designed and equipped for the sales, rentals or services provided by the itinerant merchant.
- b. Signage.
 1. Attached signs may be allowed that are permanently attached to the sides of the registered vehicle and/or trailer; and
 2. One temporary sign may be permitted in accordance with the temporary sign standards in chapter 40, zoning.
- c. Lot coverage and merchandise display. In no instance shall the lot coverage of all vehicles and trailers utilized be greater than 500 square feet. Lot coverage shall be defined as the total square footage of the vehicles/trailers. Areas designated for on-site services, merchandise display or seating shall be immediately adjacent to the vehicle or trailer utilized for sales. The display area shall not exceed 250 square feet. The display area shall be a defined area that is confined by approved temporary fencing.

- d. Parking. One parking space per 250 square feet of vehicle/trailer area shall be required on site for patrons of the merchant. No part of the commercial operations shall be located within required parking spaces or drive aisles utilized by other businesses on site. Parking waiver allowances from chapter 40, zoning, may be applied.

(4) *Fee and taxation.*

- a. Itinerant merchants shall comply with all local, county, and state retail sales tax regulations, including food and beverage tax regulations.
- b. An annual fee shall be required for the issuance or renewal of an itinerant merchant permit. The fee shall be established in the town's annually adopted fee schedule.

(Code 1986, § 8-49; Ord. No. 10-839, 6-22-2010; Ord. No. 13-907, 2-12-2013; Ord. No. 13-909, 4-9-2013; Ord. No. [17-1045](#), 2-21-2017)