

CAROLINA BEACH

Planning and Zoning Minutes
Thursday, January 11, 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, January 11, 2018 at 6:30 PM at Council Chambers.

PRESENT: Interim Town Manager Ed Parvin

ABSENT:

ALSO PRESENT: Director of Planning & Development Jeremy Hardison, Keith Bloemendaal, Deb LeCompte, Mike Hoffer, Wayne Rouse, Commissioner Mary Grady, and Commissioner Nan Toppin

. CALL TO ORDER

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

. APPROVAL OF MINUTES

Both sets of Minutes were Approved.

a. October 12, 2017 Meeting Minutes -

Commissioner LeCompte made a motion to approve the Minutes. Commissioner Rouse second, all in favor 7-0.

b. December 14, 2018 Meeting Minutes -

Commissioner LeCompte made a motion to approve the Minutes. Commissioner Rouse second, all in favor 7-0.

. STAFF REPORT ON RECENT COUNCIL MEETINGS

Mr. Parvin reported there were two items on the agenda.

a. Publix grocery store proposal was approved, council opted to remove the condition regarding the inter connectivity on that site. They added sidewalks on Saint Joseph to ensure that there's an access from the sidewalks to the store site.

b. Body Piercing was approved as recommended by Planning and Zoning for a conditional use permit.

He also reported on the official speed limit reduction at the base of the Snows Cut bridge, which is now 35mph. DOT has been notified and the signs will be in place soon.

. STAFF REPORT ON RECENT DEVELOPMENTS

Mr. Hardison welcomed back Ed Parvin from his military duties. He reported due to the holidays and

the Deep Freeze of 2018 our numbers are slightly down.

Mr. Hardison reported on a couple of town projects. One is the Island Greenway Project, construction to begin mid January to finish the beginning of this summer. Also Rider Park we have the approval of Army Corps. Today there was a pre-bid opening for the Multi Use Path on Cape Fear Blvd - from 6th St to Dow Rd. Opening bid will be January 23rd. Which will go to council in February for the lowest bidder which will then go to DOT, for construction in April.

No events to report on for January, next will be in March.

PUBLIC DISCUSSION

No one signed up for public discussion.

DISCUSSION ITEMS

- 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

Mr. Hardison spoke regarding the Text Amendment, residential accessory building regulations. Originally presented to the commission in August, these are staff and Planning and Zoning recommendations, increasing the density of the zoning district. The proposed amendment is to increase the (1) accessory building to 100% but not to exceed the size of the principal structure, currently it only allows 25% of the principal building. Another requirement is for the maximum height at current it is 15' and the proposed is 25'.

Commissioner Grady needed clarification which Mr. Hardison explained the accessory building can not be larger then the primary building.

Mr. Hardison added this structure can not be used as a dwelling unit or rented out. Also currently there are only 3 plumbing fixtures allowed and is not proposed to be changed. Regarding the set backs, present are 5' in rear and 7' 1/2" off the side, proposed 5' for both rear and sides and front to remain the same. Accessory structures for Institutional Uses shall be exempt from the requirements an example: government buildings, schools or churches.

Commissioner Kennedy feels that the accessory structures should meet the setbacks of the zoning district.

Mr. Hardison understands her concerns with the larger accessory buildings and the increase in height.

Commissioner Grady agrees with Commissioner Kennedy that the set backs should remain.

Mr. Hardison states that there are residents that would like these buildings in the corner of the yards to give them more usable space in their yards.

Mr. Parvin stated that the standard is 5'.

Commissioner Grady asked for clarification on the size and exactly which permits would be used Zoning or Building. And also is concerned regarding hurricanes.

Mr. Hardison responded that North Carolina building code does not require a permit under 12' in dimension but they would need a Zoning permit which is also inspected.

Commissioner Hoffer needed clarification on how many accessory structures are allowed, which is one. This is outlined in the ordinance under exemptions.

Commissioner Kennedy asked regarding the flood zones are the elevation of the buildings exempted?

Mr. Hardison responded if it's habitable area or finished materials then that has to be elevated to meet flood code all rules apply.

Commissioner Grady why was the height changed back in 2004/2005 to 15'

Mr. Hardison explained before the height change they were finding that some of these structures were being occupied as rentals so to eliminate resident from building up they put a cap of 15'.

Commissioner Grady feels that with the change to 25' we could have the same issues. Will it be up to the neighbors to report any suspicions, which in turn creates more problems. How would the code enforcement officer know if there was an issue unless there was a report made. She asked the commissioners if they would tell on their neighbors.

Mr. Hardison stated it would be an enforcement.

Commissioner Toppin regarding Granny Pods asked why can't we list this under exemptions. Can we list it and note it. She is requesting it be added to the motion, all in favor.

Mr. Hardison stated this is regulated by the state and is very specific. But can add this to the ordinance.

Chairman Bloemendaal made a motion to open the public discussion.

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

No one signed up.

Chairman Bloemendaal made a motion to close the public discussion.

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

Commissioner Hoffer feels the current ordinance is fine and there is no need for change and added there isn't anyone here to speak in favor of the proposed change.

Commissioner Kennedy feels things should be standard. She doesn't see the advantage of the change.

Chairman Bloemendaal disagrees with the proposed changes. There haven't been any complaints on how it is written which is 5' in rear and up to 15' tall.

Commissioner Kennedy stated that she is not in favor of reducing the setback for accessory structures.

Commissioner LeCompte, Commissioner Rouse and Commissioner Grady all agrees there is no need to make any changes.

Chairman Bloemendaal made a motion to amend chapter 40 article III, section 40-75. Dimensional standards for accessory structures as presented with the exception of changing the setbacks to anything over 15' tall would go to whatever the building zoning requirements are for that lot. It's in accordance for the provisions of NCGS160A-383 and the Commission does hereby find and determine of 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. Also to add the Granny-Pod Accessory Structure information.

Commissioner LeCompte seconded: with Commissioner Grady and Commissioner Kennedy opposed. Item passes (5-2).

ACTION: 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.

Vote: UNANIMOUS

- b. Food Truck Allowances: Review Itinerant Merchants regulations as it relates to Food Truck Allowances

Mr. Parvin reports on the Food Truck Allowances regulations.

Purpose:

1. Increase allowance for a business but is a temporary allowance (which is 180 days) for commercial operations such as a food truck.
2. Needs to have a business in Carolina Beach.
3. The primary business is the same as the Itinerant Merchant this can not be different.
4. If Itinerant Merchant is open your primary business also must be opened.
5. This is a creative way to allow for Carolina Beach businesses to expand what they offer into two different areas on the island.

Requirements:

1. Needs to have copies of all approved documents.
2. Operational 180 days temporary allowance.
3. Need to provide list of items to be sold or leasing out of the food truck.
4. Site plan showing the location on such property.
5. Permission from property owner to set up on that site.
6. Restroom facilities within 200 feet.
7. Plan for managing the trash.
8. All vehicles would need to be registered.

Conditions:

1. No more than one per lot.
2. Only allowed in commercial zoning districts.
3. Distance requirements needs to be at least 100 feet from (a) 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 and Nuisance prevention:

1. All plumbing and electrical shall meet code.
2. No drive through operations.
3. Site plan to ensure safe navigation of the site is maintained.
4. Plans for trash.

Design:

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

Commissioner Hoffer asked for clarification on the parking.

Mr. Parvin replied the Food Truck would need to set up in one parking place with one parking place available.

Administration:

Would review application and site plans for code compliance, visit Primary Business to ensure all commercial operations proposed at the Itinerant Merchant are available. Once Itinerant Merchant opens a final inspection of both the Primary Business and Itinerant Merchant will occur.

Issued violations:

Violation = \$100, 3rd Violation = Itinerant Merchant permit revoked. Revoked permits can be appealed to Town Council.

Commissioner Grady feels the Food Truck shouldn't have to have all items listed for the Itinerant Merchant. Understands they would have a brick and mortar she feels Food Trucks should be separate

Commissioner LeCompte asked are Ice Cream Trucks separate and Mr Parvin responded yes. Wants to know what the difference is if Ice Cream Truck does not have a brick and mortar then why does a Food Truck need one.

Mr. Parvin replied there are requirements for Ice Cream Trucks they are allowed on certain residential streets and have a set time for stopping.

Commissioner LeCompte agrees with Commissioner Grady; how do you compare a restaurant with a food truck to a retailer with a satellite location.

Mr. Parvin explains that it can be set up that way but typically that doesn't happen.

Commissioner Kennedy feels we need Food Trucks but they should be separate. They shouldn't have to have a brick and mortar. She would like more clarification regarding the ordinance.

Chairman Bloemendaal commented that they should have their own ordinance. Feels how this is written doesn't work. Gave an example of a business that tried a food truck but the business went out of business. Said this business owner had difficulty going through the itinerant merchant process.

Commissioner Rouse asked about the BBQ guy regarding parking facing a certain way

Chairman Bloemendaal responded the reason was the sign couldn't be facing the road and there

were so many difficulties.

Mr. Parvin explained he was advertising last summer to buy a food truck and he tried calling them finally got in touch. He had bought the food truck but never came to Planning and Zoning.

Mr. Hardison mentioned that the issue was he didn't have a permit and Chairman Bloemendaal responded that this process stopped him.

Commissioner Kennedy is asking for a base guide line for mobile businesses that deal with food, pattern with the guide line for any type of food establishment. She would like the permit to be readable and understandable and that is benefits both the town and the merchant.

Mr. Parvin needs more info on what the commission is actually asking for.

Chairman Bloemendaal feels Food Trucks should have their own permit based on their own restaurant and the Itinerant Merchant section should be for the business they want to operate at. He understands the restrictions but they are also business owners.

Commissioner Rouse feels the 180 days would be detrimental for a food truck.

Chairman Bloemendaal wants to be separate from Itinerant Merchant and that it belongs in it's own ordinance and have it's own permit. He agrees with the restrictions but doesn't understand why a food truck can't operate on this island anywhere as long as the rules are followed.

Mr. Parvin replied if they go to places that don't have ample parking that could be a possible hazard or safety conditions. At present zoning states they have to have X amount of parking or you can't operate.

Commissioner Toppin feels food trucks shouldn't be a satellite business and shouldn't be tied to 180 days, it's a mobile business to operate year round. Doesn't feel the primary business needs to be open.

Mr. Parvin food trucks can go to those places, they don't have to have an itinerant merchant permit. And they can also go to any special event. They are not limited to 3x's a year but the businesses are limited to 3x's a year.

Commissioner LeCompte added this is where the issue falls due to the limitations.

Mr. Parvin stated we can write it for 365 days and if the food trucks wants to got to other establishments all they need is approval from owner and to make sure there is adequate parking. They need to have a plan on where they will set up.

Commissioner Toppin feels the site plan needs to be provided by the business owners and should apply to any food truck as long as it goes to the same spot.

Mr. Parvin states there can be a Food Truck Permit and we would have certain businesses that have

approved site plans but if there is a business that does not have such plans then they would have to apply for an Itinerant Merchant Permit.

Commissioner Kennedy feels there are two purposes, one a business that wants to make a dollar and second there is also an amenity for our citizens. She also asked for clarification on the Ice Cream truck rules.

Mr Parvin stated the rules for Ice Cream Trucks are for ice cream only and are in place so they keep moving and not to block traffic, they can only go in the main residential areas and not in any commercial area

Commissioner Hoffer feels there is an easy solution if there are two food trucks at the same time, to wave the hundred feet from another food truck. Feels it's up to the food trucks to decide if they want to set up next to another one.

Commissioner Kennedy she feels we need to go back to the Ice Cream guild lines and expand on them because it looks like the ice cream fits better then the Itinerant Merchant. She would like to have a few references regarding other areas that have Food Trucks to compare, would like a link for Wilmington's Food Truck information.

Mr Parvin disagrees with Commissioner Kennedy's statement.

Commissioner LeCompte suggested a sub-section of the Itinerant Merchant.

Mr. Parvin said his plan is to have certain sections of the Itinerant Merchant that will apply. Can make them all completely separate but 90% will still apply and some that won't. Can make the end of the Itinerant Merchant a section for Food Trucks.

Commissioner Hoffer wants to know where everyone stands on the Brick and Mortar relation - should a food truck be associated. They all discussed and agree the restaurant owners only have a few months to make money and allowing any food truck to come to the island would be stepping on their toes.

Mr. Parvin will have a subsection for the Food Trucks on the Itinerant Merchant Permit. They will sell the items that they have at their restaurant. This permit will be issued once a year for 365 days.

Ms. Brenda Butler spoke regarding Events:

On behalf of the Town of Carolina Beach, events are totally different then any thing else. Any business needs to be invited to an event. If a business is interested we will supply them with a phone number of the event organizer. This is then is the responsibility of the Event to control and coordinate all of the criteria needed. It is not limited to a brick and mortar business. A brick and mortar business is limited to only attending 3 events a year. The Rec Center is in charge of the Farmers Market at the lake it is separate from events.

Mr. Parvin added that the Food Trucks would have to coordinate with the event organizer for approval for them to attend.

ACTION: Discussion Item: Staff will amend the code to address the Food Truck as directed by the Commission.

Vote: UNANIMOUS

. **NON-AGENDA ITEMS**

There were no Non-Agenda itmes.

. **ADJOURNMENT**

Commissioner Hoffer made a motion to adjourn, seconded by Commissioner Kennedy. All in favor (7-0).