



CAROLINA BEACH
PLANNING AND ZONING MEETING
MINUTES • FEBRUARY 11, 2016

Council Chambers**Regular Meeting****6:30 PM**

**1121 N. LAKE PARK BLVD.
 CAROLINA BEACH, NC 28428**

1. CALL MEETING TO ORDER

Attendee Name	Title	Status	Arrived
Mary Grady		Present	
Greg Reynolds		Present	
Keith Bloemendaal		Present	
Ked Cottrell		Present	
Sarah Efird		Present	
Johnie Davis		Present	
Tammy Hanson		Present	

2. APPROVAL OF MINUTES

- a. Planning and Zoning - Regular Meeting - Jan 14, 2016 6:30 PM

Chairman Reynolds noted that the minutes stated that Commissioner Hanson was present for the meeting when she was in fact not present.

Commissioner Cottrell made a motion to accept minutes as changed. Commissioner Efird seconded the motion. All were in favor (7-0).

3. STAFF REPORT ON RECENT COUNCIL MEETING(S)

Town Council will hear the item for the Municode updates on February 23rd.

4. PUBLIC DISCUSSION

There was no public discussion.

5. DISCUSSION ITEMS

- a. Conditional Use Permit Modification: Harris Teeter Grocery Shopping Center/Big Box Store that will be located at 1000 & 1010 N Lake Park Blvd. Applicant: BBM Associates Inc. – Alan Maness

RESULT:	CONTINUED [6 TO 1]
AYES:	Grady, Reynolds, Bloemendaal, Cottrell, Efird, Hanson
NAYS:	Davis

(Requested by Jeremy Hardison, Planning and Zoning)

Commissioner Hanson stated that although she did not feel she had a conflict of interest, she did want to disclose that her business leases a unit on a property abutting the proposed Harris Teeter property.

Mr. Hardison presented his memo.

Commissioner Efird asked for clarification as to the location of the traffic signal. The signal will not be located at Bennett Lane.

Commissioner Grady asked why the traffic signal was being moved. Mr. Hardison explained that this was a decision made with Federal point to provide access to both the Federal Point Shopping Center and Harris Teeter.

Commissioner Bloemendaal, Commissioner Hanson, and Commissioner Grady wanted better reasoning for the requirement of the medians. They also voiced safety concerns such as fire access across the medians.

Chairman Reynolds asked about the possibility of leaving the traffic signal at its current location. Mr. Hardison said that the development would still trigger traffic safety improvements such as medians even if the traffic signal was left in its current location.

Mr. Hardison gave an overview of all the traffic impacts associated with the proposed medians.

Commissioner Bloemendaal made a motion to open the public hearing, Commissioner Cottrell seconded the motion to open public hearing.

Michael Lee, representing Harris Teeter. Presented overview of the project.

Commissioner Bloemendaal questioned whether the project did meet the four general conditions. Commissioner Bloemendaal was concerned the most with the median. Mr. Lee explained that he would let the traffic engineers speak to the traffic changes.

Commissioner Hanson asked if medians would be required if the light was left where it is. Mr. Lee referred the question to the DOT traffic engineers.

Chairman Reynolds called for anyone else to speak in support of project.

Ben Hughes, NC DOT. Chairman Reynolds asked Mr. Hughes for clarification of the DOT's recommendations. Would medians be required for a stop light at Bennett lane? Mr. Hughes responded yes, for safety and protection of those functional areas. Studies have shown a 30-40% reduction in accidents. There has been no analysis of leaving light where it is. However, if a left turn lane was required for the development, at least one median would be required.

Commissioner Bloemendaal asked why the DOT recommended the signal to be moved to Bennett Lane. Mr. Hughes explained that the DOT saw the potential for future development as well as existing businesses. The location was changed at the request of the Town and developer. DOT supported the request.

Chairman Reynolds asked what would be required to allow for a u-turn at the light. Mr. Hughes responded that additional right-of-way width would be required to accommodate this. The Chairman is concerned about the u-turns in addition to the medians. Looking for least amount of impact to local businesses.

Commissioner Bloemendaal asked if the DOT considered the local businesses during its traffic analysis. Mr. Hughes responded that they do not.

Cory Knight. Wilmington MPO. The Developer's engineer is required to perform TIS, and then it is submitted to DOT and MPO. The analysis looks at the traffic impact, not the business impact in a traffic impact analysis. There will be impacts.

Jonathan Guy. Charlotte, NC. Engineer for Harris Teeter. The Chairman asked if he had any additional comments.

Commissioner Bloemendaal asked if a traffic study had been done by the consultant engineer. Mr. Guy explained that they defined what needed to be included in the scope of analysis. Recommendations for improvements came based upon the analysis. Worked with the site engineer to determine the placement of the traffic signal. The placement of the signal was to allow safe access to both the Harris Teeter and Federal Point developments.

Chairman Reynolds asked on whether a turn around plan had been analyzed or prepared. Mr. Guy stated that the developer wished to hear what concerns were within the community before submitting a plan. The lack of right-of-way is a major constraint.

Commissioner Grady asked if the DOT would consider not requiring the medians. Mr. Hughes responded that DOT would not reconsider this requirement.

Randy Simon, 930 Saint Joseph Street. Voiced his concerns for the Stormwater impact of the development on outfall pipe 26. Chairman Reynolds informed Mr. Simon that the stormwater criteria was not under review for approval for the proposed modification. Mr. Hardison added that the proposed Town stormwater BMP for that pipe was a separate issued from the Harris Teeter.

Jason Kessler, 508 Birmingham. Proposing to bring Jersey Mikes to the Brew Through. His concerns are with the lack of interconnectivity between his site and the proposed Harris Teeter site. With the medians it will make it even more difficult for customers to reach his site. Proposed some kind of pedestrian access from Harris Teeter and the Jersey Mike's site. Also some type of one way access from the Jersey Mike's site to the Harris Teeter site.

Brett Keeler, 917 Colonial Circle. Mr. Keeler disagrees that the project is the same with the proposed modifications. Feels the use will endanger the public and devalue existing properties based on the new proposed plan. Furthermore the lack of access to existing businesses due to the proposed medians will hurt local business and may cause those businesses to leave. Presented evidence that the location of the traffic signal had been moved without DOT approval or knowledge. Mr. Keeler does not feel that the existing CUP for the Harris Teeter is valid.

Richard Phillips, 107 Island Mimosa Drive. HOA President of Island Forest. Mr. Phillips' main concern is that Harris Teeter has not done adequate studies of the impact.

Ned Barnes, 814 CBAN. Business owner in Pleasure Island Plaza. Mr. Barnes expressed his concerns that the addition of the medians would hurt the local businesses located on the west side of North Lake Park Blvd. The proposed medians will also impact deliveries.

Ted Meehan, 1026 Bennet Lane. Mr. Meehan expressed his concerns with being forced to take a right only out of Bennett Lane. He feels it is a safety issue and

concerned that no turn around plan has been proposed. Asks that Council find an acceptable solution that benefits everyone.

Barry Henline, 104 Summersault Lane. Mr. Henline is a business owner in Pleasure Island Plaza. Mr. Henline stated that the proposed medians will hurt his business.

Jasmine McKee. 164 Olde Mariners Way. School busses stop at Bennett Lane multiple times a day. Feels Medians do not make roadway safer.

Diane Hodet, 311 Raleigh. Ms. Hodet owns a retail business on Bennett Lane. The medians will have a huge impact on deliveries and customer access to local businesses on the west side of North Lake Park Blvd.

Chairman Reynolds called for any applicant rebuttal. Mr. Lee addressed that this project was not a 'bait and switch'. The proposed project has been in the works for years. Bennett Road was explored early on. The DOT often requires off site improvements. Harris Teeter is trying to work with all parties to mitigate issues. DOT is going to continue to require traffic improvements for all new developments coming to the area.

Commissioner Cottrell made a motion to close the Public Hearing and it was seconded by Commissioner Efird.

Commissioner Davis clarified that regardless of the signal location medians will be required. The Commissioners expressed their concerns that the medians would cause more harm than good.

Commissioner Bloemendaal questioned if Bennett Lane was seriously considered by Harris Teeter since DOT made it clear they proposed the traffic signal to be relocated to Bennett Lane.

Mr. Lee offered a suggestion that the Commissioners make a recommendation to change the medians from raised medians to painted medians.

Chairman Reynolds reviewed the four general conditions. The Commissioners were concerned with the safety of the general public beyond study area. They are still unsure of where people are supposed to turn around. The Commissioners were in agreement that the project met all the required conditions and specifications. There was no evidence presented that the project would substantially devalue adjacent properties. The Commissioners were still uncertain that the proposed medians were in harmony with the general area.

Commissioner Hanson made a motion to deny the application for a modification of the Conditional Use Permit due to the fact the item will substantially injure the value of adjoining or abutting properties and that the location and the 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 is not in general conformity with the town land use plan and policies. Commissioner Grady seconded the motion. Commissioner Bloemendaal said he could not support this motion as he had more concern with safety and because there had been no expert testimony to support that the proposed use would substantially injure the value of abutting properties. Two ayes, five nays (2-5). The motion failed.

Mr. Hardison clarified that the limits of the Commission's approval or denial was strictly on the plan and application that had been submitted.

Commissioner Bloemendaal made a motion to deny the application for a modification of the Conditional Use Permit due to the fact that it will materially endanger the public and health and safety due to the fact that no turn around plan was submitted, that the proposed traffic signal is not located at Bennett Lane as required by the NC DOT. Prior to approval the applicant must also perform an analysis of the impact to local businesses. The motion was seconded by Commissioner Hanson. There was no discussion. Six ayes, one nay. Motion passed (6-1).

6. NON-AGENDA ITEMS

Commissioner Bloemendaal brought up accessory structure restrictions. Is exploring the idea of sponsoring a text amendment to allow for detached accessory structures greater than 15' in height.

7. ADJOURNMENT

Commissioner Efird made a motion to close the meeting. It was seconded by Commissioner Bloemendaal. All in favor (7-0).

Kimberlee Ward, Town Clerk

Date Approved