

# CAROLINA BEACH

Planning and Zoning Meeting

Thursday, July 8, 2021 - 6:30 PM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



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## MINUTES

### CALL TO ORDER

Chairman LeCompte called the meeting to order at 6:30 PM.

### PRESENT

Chairman Deb LeCompte

Vice Chairman Wayne Rouse

Commissioner Jeff Hogan

Commissioner John Ittu

Commissioner Ethan Crouch

Commissioner Todd Piper

### ABSENT

Commissioner Melanie Boswell

### ALSO PRESENT

Planning Director Jeremy Hardison

Senior Planner Miles Murphy

### APPROVAL OF MINUTES

1. Approval of the Minutes from May 13<sup>th</sup>, 2021

**ACTION:** Motion to approve the minutes as written

Motion made by Vice Chairman Rouse, Seconded by Commissioner Hogan

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Ittu, Commissioner Crouch, Commissioner Piper

*Motion passed 6-0*

### STAFF REPORT ON RECENT COUNCIL MEETINGS

Town Council and Other Updates

- Temporary parking lots – September
- 160D – approved
- Amusement rides

### STAFF REPORT ON RECENT DEVELOPMENTS

Mr. Murphy reported the following statistics for the past two months:

### Permitting

- 151 permits (renovation, repair, grading, additions, fence)
- 37 residential new construction
- 31 certificates of occupancy

### Code Enforcement

- 37 complaints received
- 28 resolved

Mr. Murphy said a new Code Enforcement Officer is starting on August 1. This will fill the vacancy created by the May 31 retirement of previous Code Enforcement Officer Joe Hutcherson.

### Demos in Progress

- 210 Cape Fear Boulevard
- 710 Monroe Avenue (partial interior demo)
- 315 Hamlet Avenue (accessory building)
- 1616 Bowfin Lane (house moving)
- 206 Carolina Beach Avenue South
- 1419 Mackerel Lane

### Complete Demos

- 1311 Searay Lane
- 1213 Canal Drive
- 619 Spencer Farlow Drive
- 1512 Bowfin Lane
- 1416 Bowfin Lane
- 912 Old Dow Road

Mr. Hardison said he hopes demolition of the previous Mermaid Manor building at 308 Carolina Beach Avenue North will be complete by the next meeting.

### New Businesses

- Edward Jones – 206 North Lake Park Boulevard, Suite H
- MMC Insurance – 1204 North Lake Park Boulevard, Suite 1E
- Carolina Sign Craft – 1311 Bridge Barrier Road
- Sumthin Beachie – 809 North Lake Park Boulevard (new owner)

### Coming Up

- Text amendment: table of permissible uses
- Text amendment: minor Planned Unit Development (PUD) standards
- Permanent right-of-way closure: Croaker Lane – 20-foot portion
- Conditional zoning: 209 Peninsula Drive

Commissioner Piper asked which Code Enforcement complaints were not resolved. Mr. Hardison said not every complaint is a violation, so sometimes action is not needed after investigation. Mr. Murphy said staff can look up specific data if necessary.

## **PUBLIC DISCUSSION**

**ACTION:** Motion to open public discussion

Motion made by Chairman LeCompte, Seconded by Vice Chairman Rouse

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Ittu, Commissioner Crouch, Commissioner Piper

*Motion passed 6-0*

No one requested to speak.

**ACTION:** Motion to close public discussion

Motion made by Chairman LeCompte, Seconded by Vice Chairman Rouse

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Ittu, Commissioner Crouch, Commissioner Piper

*Motion passed 6-0*

## **DISCUSSION ITEMS**

2. A discussion regarding amending Chapter 40, Zoning Ordinance to address gated communities and drives  
Applicant: Town of Carolina Beach

Mr. Hardison presented the details.

### Gated Communities and Drives

#### Gates

- Fire Department requests regulations
- Zoning ordinance is silent; no regulations
- Currently two gated communities (Oceana/Spinnaker Point and Waterview)

Vice Chairman Rouse asked if Cabana Suites would be considered gated. Mr. Hardison said yes, that is a good point. He also said the Hidden Hills community installed a gate but does not actively use it.

Mr. Hardison outlined the proposed ordinance, which was reviewed and recommended by the Technical Review Committee (TRC). The ordinance would allow gates over private drives but not public streets or public access easements. A vehicle turnaround shall be provided before the gate entrance, and the gate shall be setback from the abutting street for the queueing of vehicles. The gates shall open away from, not toward, vehicles entering. Pedestrian access points should be provided along the gates. The gate entrance area shall be illuminated. Gates shall be approved by the Fire Marshal and meet fire code standards. The proposed ordinance addresses opening gate width requirements and would exempt the Town for closing streets and facilities for maintenance or safety reasons, such as Canal Drive for flooding reasons or Freeman Park for severe weather. The Land use Plan does not

address gates directly. The proposed amendment would not conflict with the plan if the Town would like to address standards and create an allowance.

The change would only regulate new gated communities that are permitted in the future. Mr. Hardison said existing communities would not have to retrofit.

Chairman LeCompte asked if the proposed ordinance addresses everything that Fire Chief Alan Griffin wanted. Mr. Hardison said yes and added that the TRC was also comfortable with the language.

**ACTION:** Motion that whereas in accordance with the provisions of the North Carolina General Statutes, the Commission does hereby find and determine that the adoption of the following ordinance amendment to amending Chapter 40 is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion made by Vice Chairman Rouse, Seconded by Commissioner Hogan

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Ittu, Commissioner Crouch, Commissioner Piper

*Motion passed 6-0*

### 3. Process for Planning and Zoning Commission initiated amendments

Mr. Hardison said Council wanted to look at the process of amendments initiated by the Commission. He said the purpose is not to discourage conversations during the non-agenda portion of meetings but to establish a framework for how things move forward from there. He said Council wanted Commissioners to have goal-setting sessions to talk through ideas and issues they would like to see addressed and then have one Commissioner present upcoming goals at Council's workshop each month. He said this would allow Council to offer feedback and ask staff to move forward if necessary. He said formalizing this process is part of Council's plan to adopt a new policy regarding committees at their next meeting on Tuesday.

Chairman LeCompte said this process would ensure an issue has Council's OK before staff starts working on it.

After some discussion about when to consider ideas, the Commission decided to meet on August 12 at 5:30 PM, an hour before the next scheduled meeting.

### **NON-AGENDA ITEMS**

Chairman LeCompte referred to material that was in front of each Commissioner. She said some of the information referred to a study about stormwater mitigation by the non-profit organization N.C. Coastal Federation.

Mr. Hardison gave some background. He said the Town adopted a watershed plan that broke the Town into five areas where stormwater accumulates and is handled by the Town. He said this went through the planning process because it's a requirement to have a plan to apply for grants, and the plan also

gives recommendations for what the Town needs to do to improve stormwater and best practices for private development.

Chairman LeCompte said the distributed material includes great ideas for ways to incentivize instead of penalize residents. She said she thinks the Commission should discuss with Council the idea of partnering with the N.C. Coastal Federation to determine solutions that residents can tackle to help mitigate stormwater, such as rain gardens, rain barrels, and not cutting down trees. She said she wanted Commissioners to have the information for further discussion at the upcoming workshop.

Commissioner Piper said he was interested in also hearing from the Operations Department about stormwater mitigation ideas. Mr. Hardison said he will look into scheduling a joint meeting between the Commission and the Operations Advisory Committee with staff also in attendance. This will take place after the Commission's upcoming workshop.

Vice Chairman Rouse said he thinks Commissioner Boswell will want to discuss a tree ordinance at the upcoming workshop.

Commissioner Piper said as a builder, he deals with different tree ordinances in different municipalities. He said he has given a lot of thought to what the Town can do and proposed the following: For new construction or major renovation, at the end of a project there must be a total of 8 inches of tree caliper, with none smaller than 2 inches. He also proposed that if property owners saved one 6-inch tree, they would be exempt from any other tree regulations, and if property owners cut down a tree that is over 18 inches, they have to plant a 4-inch tree one time. He said this could be for the part of the Town west of Lake Park Boulevard or the boat basin. He said this is a good solution because it is simple and doesn't require the completion of a tree survey or getting staff involved. He said there should be some incentive to keep trees on lots where houses will be razed, and this seems like a fair compromise for all involved.

Chairman LeCompte said this proposal sounds logical. She said she agrees with Commissioner Piper and doesn't like telling people what they can do on their property. She said the tree discussion is about three decades too late because of the Town's 4,683 residential lots, only 663 are undeveloped, and of those, 418 are 50-foot lots.

Commissioner Crouch said it's not just about the remaining undeveloped lots. He said a tree ordinance would also protect previously developed lots where homes will be razed in the future and those trees could potentially be cleared.

Vice Chairman Rouse asked about the legality of a tree ordinance that would apply only to a certain area or only to new construction and major renovation. Mr. Hardison said it depends on how the ordinance is created. Vice Chairman Rouse asked what would happen if people don't comply. Mr. Hardison said the only recourse would be fines. Vice Chairman Rouse said he thinks there are some details to iron out and asked that Town Attorney Noel Fox weigh in during the early stages of the

discussion. He said he is big on private property rights and would be interested in exploring ways to educate and incentivize.

Mr. Murphy said it's important to note that there is legislature on the State floor to prohibit tree ordinance measures in any capacity and even eliminate those that already exist. He said if residents want to ensure tree ordinance activity can continue at the municipal and County levels, they should fight back against the proposed State legislature.

Chairman LeCompte said maybe the issue could be addressed from a stormwater point of view and not a tree ordinance point of view. She said both were about saving trees because trees absorb a lot of water, especially large live oaks.

Commissioner Crouch said the way the stormwater ordinance is written now incentivizes a lot of trees to be cut down. He said he agrees that the issues are connected, but they should be approached from two separate text amendments. He said it would be confusing to roll them into one.

#### **ADJOURNMENT**

**ACTION:** Motion to adjourn

Motion made by Chairman LeCompte, Seconded by Commissioner Hogan

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Ittu, Commissioner Crouch, Commissioner Piper

*Motion passed 6-0*

The meeting adjourned at 7:26 PM.