

CAROLINA BEACH

Planning and Zoning Commission Meeting Minutes
Thursday, June 11, 2020 @ 6:30 PM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

ASSEMBLY

The Town of Carolina Beach Planning and Zoning Commission meeting was held on Thursday, June 11, 2020, at 6:30 PM in Council Chambers.

PRESENT: P&Z Chairman Keith Bloemendaal, P&Z Vice Chairman Deb LeCompte, P&Z Commissioner Wayne Rouse, P&Z Commissioner Melanie Boswell, P&Z Commissioner Mike Hoffer, P&Z Commissioner John Ittu, and P&Z Commissioner Jeff Hogan

ALSO PRESENT: Planning Director Jeremy Hardison and Planner Miles Murphy

1. CHAIRMAN BLOEMENDAAL CALLED THE MEETING TO ORDER

Due to COVID-19, Chairman Bloemendaal encouraged people in the audience to wear masks and reviewed rules that would aim to reduce everyone's time in a confined space, including the enforcement of a three-minute time limit on public comment.

2. APPROVAL OF MINUTES

a. Approval of May Meeting Minutes

ACTION: Motion to accept the minutes as written

Motion: Commissioner Rouse

Second: Vice Chairman LeCompte

Vote: UNANIMOUS

3. STAFF REPORT ON RECENT COUNCIL MEETINGS

Mr. Murphy said last month Council received the short-term rental text amendment with recommendations voted on by the Commission. Following a presentation at the last Council meeting, the matter will be discussed again at a June 23 workshop because there were some legal concerns.

Mr. Murphy also said Council passed a budget for FY 20/21 and reduced the speed limit on South Lake Park Boulevard to 25 mph. In addition, he said there is a Coastal Area Management Act (CAMA) final for 1415 South Lake Park Boulevard South, one of the large beachfront projects, so that is coming to a close.

4. STAFF REPORT ON RECENT DEVELOPMENTS

Mr. Murphy reported the following statistics:

Permitting

- 30 permits

- 3 residential new construction
- 3 certificates of occupancy

Code Enforcement

- 12 complaints received
- 6 resolved

Demolition

- 1318 Carolina Beach Avenue North started today and will be coming down over next few weeks. A new home has already been permitted by CAMA to go in its place.

New Business

- Snow Ventures, 11 Pavilion Avenue South, Unit 1 (snow cones)

Coming Up

- Application going to Technical Review Committee (TRC) on Monday for an 8-unit Planned Unit Development of a residential capacity at 202 Carolina Beach Avenue South
- Text amendment: nonconforming structures
- Text amendment: sign ordinance overhaul
- Text amendment: road improvements

5. PUBLIC DISCUSSION

None

6. DISCUSSION ITEMS

a. Consider a Conditional Use Permit Located at 522 N. 7th for an 8-Unit Residential Planned Unit Development – Applicant: Marlow Construction

Chairman Bloemendaal recused himself from this matter due to a business relationship with the applicant. He left the room at 6:36 PM, and Vice Chairman LeCompte took over leading the meeting.

Vice Chairman LeCompte opened the evidentiary hearing.

Mr. Murphy gave an overview of the project, including a location summary with photographs and a list of the 10 adjacent properties. He also reviewed the zoning requirements and details of the project, which will include 8 units of 3-4 bedrooms each.

Town Planning staff's assessment of the project's ability to meet the four general conditions and seven specific standards is as follows:

Four General Conditions

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
 - The density falls within the standard R-1 density requirements, and the proposed structure follows the setback requirements.
2. That the use meets all required conditions and specifications

- The proposed conditional-use permit meets all required conditions.
- 3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity
 - The proposed structure/use will conform with the neighboring properties.
- 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
 - The desired future land use of the Residential 1 area includes a predominance of single-family and duplex units. Building height will not exceed a 50-foot height maximum and shall be consistent with Section 4.3, II. Management Topic: Land Use Compatibility Policies, 31 (B). Density will be moderate with a minimum of 5,000 square foot lots and around 8.7 units per acre, with up to 15 units per acre allowed. Lot coverage will not be allowed to exceed 40%. Provision of infrastructure to undeveloped and unserved areas will be at the expense of the developer. New multi-family residential development shall be prohibited.

Seven Specific Standards

No conditional use shall be granted by Town Council unless the following provisions and arrangements, where applicable, have been made to the satisfaction of the Council:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control, and access in case of fire or catastrophe
 - Ingress and egress will remain via North 7th Street.
 - The design will accommodate two-way traffic and sufficient parking for each single-family residential structure.
2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district
 - Parking will be contained on each individual home.
3. Refuse and service area, with particular reference to the items in 1. and 2. above;
 - Trash service will be collected via standard residential manner.
4. Utilities, with reference to locations, availability, and compatibility
 - Utilities will be provided by Duke Energy Progress and the Town.
 - A new fire hydrant is proposed.
 - A stormwater retention pond is proposed/required.
5. Screening and buffering with reference to type, dimensions, and character
 - A 10-foot landscape buffer is required for this type of development.
 - A 6-foot fence is proposed around the entire Planned Unit Development.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility in harmony with properties in the district
 - No signage is proposed at this time, and any signage will have to meet all standard zoning requirements in the future.
7. Required yards and other open space and preservation of existing trees and other attractive natural features of the land
 - There is no required yard or open space beyond general zoning standards for a residential Planned Unit Development.
 - Minimum of 15 feet between structures.

- Minimum of 25% of open space.
- Below maximum of 40% lot coverage.

Town Planning staff recommends approval of the conditional-use permit with the requirement of a 4-foot-wide sidewalk adjacent to 7th Street.

Commissioner Rouse asked what can be built on the property by right without a conditional-use permit. Mr. Murphy said the currently the property would allow for one single-family home or one townhome or duplex (two-family) unit.

Susan Keelin, attorney for the applicant, was sworn in. She said the evidence before the Commission establishes that the applicant has a prima facie entitlement to the conditional-use permit. She asked for the opportunity to question witnesses about contrary evidence.

Applicant Quinn Marlow was sworn in. He read a letter from current property owner Cynthia Workman, who said it was her sincerest hope that the project would be approved because concerns have been addressed, it now is in harmony with the adjacent communities and others in the Town, and it offers something beautiful to the neighborhood that will increase property values. She also said the decision would have a personal impact on her as she seeks to move forward on the sale of her property.

Mr. Marlow said he had made changes to the project to address community concerns and wanted to highlight the fact that the houses will be two stories on a slab, not raised, so they will not be any taller than neighboring homes.

Commissioner Hoffer asked where people would park if someone living in the Planned Unit Development had a party. Mr. Marlow said it would be the same as if someone in any other community had a party. They would not be allowed to park in the street, and anything not following the rules would become a police matter. He stressed that the project meets all parking requirements.

Mr. Hardison asked the Commission to be cautious in considering the letter from the current property owner because she was not present to be cross-examined. Commissioner Rouse added that it is unknown whether she has expertise in determining property values.

Vice Chairman LeCompte opened the floor to anyone who wanted to speak about the matter.

Mark Campbell of 105 Palm Breeze Drive was sworn in. He said although he liked some of the changes to the project, he would like to see maybe one or two fewer houses so it looks more uniform and cuts down on noise, cars, and light pollution. He said a few tweaks would make it more favorable. He also said one of his biggest concerns is that the current project does not preserve nature. Another concern was that people in the neighborhood believe it would be detrimental to the quality of life there. He would like the builder to consider larger lots with lower density homes.

Ms. Keelin asked Mr. Campbell if he had based his comments about the quality of life being impacted on any studies he had done. Mr. Campbell said he had not done any studies. Ms. Keelin asked if he had any evidence showing that the project did not meet the four general

conditions and seven specific standards. He said as a local citizen he does not have any evidence and pointed to the presentation.

John Delaney of 520 North 7th Street was sworn in. He said he and his neighbor will be impacted by the driveway for the project. He also said the project is not in harmony with a community that is a single-structure, single-family per single lot neighborhood. He said the privacy of all adjacent neighborhoods will be impacted, and there will be a measurable increase in noise and light pollution. He also had security concerns if any of the units become seasonal rentals with new people coming in weekly. Mr. Delaney was further worried about an increase in traffic and said the project will forever alter the peaceful and quiet environment that drew people there. He also reminded the Commission that it is the Town of Carolina Beach and not the City of Carolina Beach, so there was the expectation that the Town would be quieter and have less noise pollution, congestion, traffic, and people. He said mismanaged zoning leads to future problems. Mr. Delaney added that practical questions such as how trash will be collected and how mail will be distributed need to be answered.

Ms. Keelin said speculative comments are not an adequate basis for denial of the conditional-use permit application.

Mary Jean Aydelotte of 106 Island Palms Drive was sworn in. She said she wanted to acknowledge Mr. Marlow's effort to work with the community, but she found the current project only slightly more palatable because she would like to see the number of homes further reduced. She said she doesn't think the applicant has gone far enough to satisfy the surrounding community in terms of harmony with abutting homes or not injuring property values. She said she also has concerns about short-term rentals and traffic.

Ms. Keelin asked Ms. Aydelotte about the estimated value of her home and other homes around it. Ms. Keelin and Mr. Marlow said the homes in the Planned Unit Development would be similar in terms of size and price to what is currently there.

Norma Weeks of 516 North 7th Street was sworn in. She said she is a native of the Town and has a vested interest in the community. She said she objects to the number of houses on the property mainly because of traffic and parking for cars, boats, and trailers. She asked the Commission not to approve the project and said it should have no more than six homes.

Ms. Keelin asked Ms. Weeks if she had specific evidence or studies to support concerns about traffic. Ms. Weeks said that wasn't necessary because common sense indicated that traffic would increase. Ms. Keelin pointed out that Ms. Weeks' testimony was based on assumptions about whether boats and trailers were allowed in the neighborhood.

No one else requested to speak.

ACTION: Motion to close the public hearing
Motion: Vice Chairman LeCompte
Second: Commissioner Rouse
Vote: UNANIMOUS (excluding Chairman Bloemendaal)

Commissioner Ittu said it was important to note that Mr. Marlow had listened to concerns and

revised the project accordingly. He said reducing the number of units would not alleviate the driveway issue. He said he was originally opposed to the project, but as it stands now he is in favor of it.

Commissioner Rouse said he was concerned about the number of cars and the driveway. He also was hesitant to change the property to a use that the applicant can't do by right.

Commissioner Boswell said she shared the same concerns and was leaning toward voting that the project is not in harmony with the neighborhood. She said is worried about safety due to the road frontage and a private driveway for eight homes.

Commissioner Hoffer said he agreed with many of the attorney's points, although he did not like her approach toward the residents who spoke. He said as far as he's concerned, it meets the zoning requirements and should be allowed.

Commissioner Hogan said he does not think the project is in harmony with the neighborhood, and he also expressed concerns about the road frontage.

Vice Chairman LeCompte said she has gone back and forth about this project. She said her main concern is not with density but with the right-of-way going into the property. She asked whether other nearby neighborhoods required conditional-use permits. Mr. Hardison said no, they went through the subdivision process. Vice Chairman LeCompte asked about the right-of-way going into subdivisions. Mr. Hardison said the minimum width is 40 feet, compared to the 38-foot frontage for this project.

Commissioner Hoffer said as the developer, Marlow Construction could create homeowners association guidelines to regulate short-term rentals, parking, and boats on lots. Vice Chairman LeCompte asked if that could be required of the conditional-use permit. Mr. Hardison said that cannot be regulated for approval.

ACTION: Motion to deny the conditional-use permit as it fails to sufficiently meet one or more of the General Conditions to include:

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

Motion: Commissioner Rouse

Vote: 3-3 (Commissioners Rouse, Hogan, and Boswell in favor and Vice Chairman LeCompte, Commissioner Hoffer, and Commissioner Ittu against)

The next step will be for the project to go before Council in July. Mr. Hardison said if there are any significant modifications, it will need to be reviewed by the Commission again for recommendation.

Commissioner Boswell said she thinks the applicant's attorney interrogating citizens will discourage people from voicing their opinions. Mr. Hardison said Ms. Keelin has the right to cross-examine any witnesses.

Chairman Bloemendaal rejoined the meeting at 7:45 PM.

Ms. Keelin asked to speak. She said she did not intend to upset anyone and did not recognize that the audience was not accustomed to attorneys being present and asking questions. She said her intent was to preserve things on the record.

b. CAMA Land Use Plan Draft Review

Mr. Hardison recapped steps in the process and reviewed the revisions that were voted on by Council in March and incorporated into the latest draft:

- Changed Canal Drive from low to medium density to allow for duplexes
- Changed west side of Bonito Lane from low to medium density to match current zoning
- Mirrored Downtown Business Area classification to Central Business District zoning
- Mirrored low-density area with the R-3 zoning where Sumter Avenue was the dividing point
- Removed the Gateway Corridor Overlay District area and term
- Changed the medium density residential minimum lot size to 5,000 square feet
- Changed language to the following to be less restrictive: “Explore the town purchasing lots in flood prone areas around the lake or discouraging development in that area.” Old language stated, “Adjust the zoning code, possibly with an overlay district, to restrict development in flood prone areas around the lake.”

Mr. Hardison said Chairman Bloemendaal had suggested that the T-1 area in the 300 and 400 blocks of Carolina Beach Avenue North and Canal Drive be added back to act as a transition area from the residential area to the Central business District and allow for mixed commercial and residential. It was the consensus of the Commission to do this.

Commissioner Rouse said the Commission had previously asked for an area around Carolina Beach Lake to be designated as Mixed Use instead of Neighborhood Business, but he did not see that reflected in the latest draft. He said this change does not hurt any existing uses and can help the Town in the future. It was the consensus of the Commission to add this.

ACTION: Motion to approve the Land Use Plan and Land Use Map as presented with the changes the Commission has requested along with two more changes to reflect T-1 be presented back into the Land Use Plan as Mixed Use commercial where it was previously and from the lake to Carolina Sands as MX

Motion: Chairman Bloemendaal

Second: Commissioner Boswell

Vote: UNANIMOUS

Commissioner Rouse suggested that someone from the Commission be present when the Land Use Plan comes before Council.

7. NON-AGENDA ITEMS

Commissioner Boswell asked Commissioner Hoffer if he was staying on the Commission. He said he had put his name out for consideration. Chairman Bloemendaal said there would be no changes to the current Commission until August 11.

Regarding the Bike/Pedestrian Advisory Committee, Chairman Bloemendaal said he had seen some chatter on social media about sidewalks in the Wilmington Beach and surrounding areas. He asked if that was in a plan. Commissioner Hoffer said this was not on his radar at all, although it could be one of many potential projects mentioned in the master plan. Chairman Bloemendaal said he thinks that area needs sidewalks, and although it's not high priority he wanted to bring it up.

8. ADJOURNMENT

Chairman Bloemendaal made a motion to adjourn at 8:10 PM.