

CAROLINA BEACH

Planning and Zoning Commission Meeting

Thursday, August 12, 2021 - 5:30 PM

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



MINUTES

CALL TO ORDER

Chairman LeCompte called the meeting to order at 5:30 PM.

PRESENT

Chairman Deb LeCompte

Vice Chairman Wayne Rouse

Commissioner Jeff Hogan (arrived at 5:39 PM)

Commissioner Melanie Boswell

Commissioner Ethan Crouch

Commissioner Todd Piper

ABSENT

Commissioner John Ittu

ALSO PRESENT

Planning Director Jeremy Hardison

1. Workshop Session and Landscape Discussion

Chairman LeCompte asked about the process for the workshop session. Mr. Hardison said the plan is for Chairman LeCompte to present the Commission's priority goals at Council's August 24 workshop. He said if a goal matches up between the two bodies, then staff will work on a proposed ordinance to come before the Commission.

Commissioner Boswell said replacement trees and landscaping requirements are priorities for her.

Vice Chairman Rouse said it will be difficult to determine where the line is drawn between private property and the desire for trees. He said he thinks it will be tough to have a legitimate ordinance that only addresses undeveloped single lots and excludes the rest of the lots in the Town. He said he thinks this could be the cause of public pushback, especially because 86 percent of the island's residential lots are already developed, and he cited challenges including determining who will be the decision maker, such as a contracted arborist, and who will pay for this. He said he is in favor of doing something positive and incentive-based instead of creating another tax or fee.

Commissioner Boswell said a tree ordinance has to be for all lots and that an arborist is usually paid for by the property owner.

Commissioner Piper said as a builder, he is against both of these ideas because they would add weeks to the process. He said a tree ordinance should only affect new construction or major reconstruction of over 50 percent, and the regulations should sunset at one year from the issuance of the certificate of occupancy. He said he agrees that there should be incentives to get builders to keep trees, but the process should be simpler. He mentioned his idea from the last meeting that property owners could retain a sum total of 8 inches of native trees or save one 6-inch tree.

Commissioner Crouch said the community has been outspoken about wanting to see positive steps toward protecting trees and native plantings. He agreed this should be a goal to bring before Council. He said stormwater runoff is also a high-priority issue. He would like to look at ways to improve existing ordinances to help better manage problems that are occurring throughout the Town, something he hears about and sees on a daily basis, especially due to recent heavy rainfall. In addition to looking at current regulations, there should be a review of enforcement methods and what can be done from a planning perspective to encourage the best management practices for stormwater policy.

Commissioner Hogan said it's hard for him to understand how government can tell people what they can do with their property. He said he likes Commissioner Piper's ideas because they would be easy for the Town to implement. He said he is not in favor of any measures that would result in more time and effort from staff. He said he loves trees but believes in property owner rights and worries that too much regulation could have legal consequences. He said he does not support adding costs for property owners, especially because the Town is already almost fully developed. He said he is concerned because he has heard of people clearing their lots ahead of the tree ordinance discussion so they would not have to comply with any new rules, so the Town needs to come up with a plan quickly before more clear-cutting happens.

Chairman LeCompte said she agrees that stormwater is a priority and wants to bring up a few other items before getting back into the tree discussion. She said short-term rental regulations regarding nuisance and abatement should be a priority, and she would like the Town to register these properties so owners and renters can be contacted quickly in case of emergencies such as hurricanes. She also wants to look at antiquated ordinances and remove those that are no longer useful for the Town. As far as trees, she said while there is already a tree ordinance on the books, it should be expanded upon with some smart measures that don't penalize the homeowner but instead incentivize those who keep trees, such as under the guidelines proposed by Commissioner Piper. She said stormwater ties into the tree discussion because trees help mitigate stormwater. In addition, she said she'd rather worry more about planting than cutting. She reminded everyone that while it's beneficial to protect what we have in terms of trees, residents need to remember that they all cut down trees to build their homes. She said she liked Commissioner Piper's sunset rule proposal.

Commissioner Piper said he's concerned that of the 86 percent of lots that are developed, many of them contain properties that have been around a long time and may be demolished for redevelopment in the near future, causing trees that have been in place for 50 years to be bulldozed in the process.

Commissioner Crouch said the majority of the existing tree canopy is in existing developed lots, so it's about protecting those trees even more so than those on undeveloped lots.

Chairman LeCompte agreed that redevelopment could pose an issue.

Vice Chairman Rouse said he thinks a lot of people would be on board with a homeowner incentive, such as saving on the permit fee, if certain tree-saving measures are met.

Commissioner Crouch said he would have concerns about anything that reduces revenue for the Town.

Commissioner Boswell said she agreed with Commissioner Crouch's concerns. She said the ordinance should be the incentive and that this approach works in other places. She said the Town needs to come up with a solution that works for everyone.

Commissioner Crouch said there were only 15 minutes left in the workshop portion of the meeting and asked if there were other goals for consideration.

Chairman LeCompte reiterated her previous mention of stormwater. She said the Town needs to look at people putting in rain barrels, rain gardens, and other measures that residents can enact to personally help retain water on their own properties. She said there are a lot of things individuals can do to help mitigate the problems without negatively impacting their neighbors, such as cleaning out personal stormwater conveyances before they reach the Town's conveyances. She also mentioned her previous goal topics of trees, short-term rentals, and antiquated ordinances.

ACTION: Motion to say that these four items that the Commission has discussed in depth (short-term rentals, stormwater, trees, and antiquated ordinances) are all worthy for the Chairman to take to Town Council and see if Council Members would like to push any or all of those back to the Commission to have a full discussion

Motion made by Vice Chairman Rouse, Seconded by Commissioner Crouch

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

Motion passed 6-0

Mr. Hardison said the goal discussion would be an ongoing effort, so the Commission would have more chances to get other goals in front of Council. He said tonight's list represents what the Commission would like to see tackled first. Chairman LeCompte will take these items to the Council workshop on August 24 at 9:00 AM.

APPROVAL OF MINUTES

2. July 8, 2021 Minutes

ACTION: Motion to approve the minutes

Motion made by Vice Chairman Rouse, Seconded by Commissioner Hogan

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

Motion passed 6-0

STAFF REPORT ON RECENT COUNCIL MEETINGS

Town Council and Other Updates

- Permanent right-of-way closure: Croaker Lane – denied 4-1
- Text amendment: gates – approved 5-0

STAFF REPORT ON RECENT DEVELOPMENTS

Mr. Hardison reported the following statistics for the past month:

Permitting

- 25 permits (renovation, repair, grading, additions, fence)
- 13 residential new construction
- 11 certificates of occupancy

Code Enforcement

- 14 complaints received
- 23 resolved (some were leftover from last month or staff-driven)

Demos in Progress

- 406 Birmingham Avenue
- 1419 Mackerel Lane
- 219 Myrtle Avenue
- 233 Florida Avenue
- 1616 Bowfin Lane (house moving)
- 206 Carolina Beach Avenue South
- 506 Canal Drive
- 1417 Bonito Lane

New Businesses

- Bungalow by the Sea – 9 South Lake Park Boulevard, Suite A-2
- Salt & Palm – 807 North Lake Park Boulevard, Suite A
- Pelican's SnoBalls – 11 Boardwalk, Suite 130
- Strickland Builders – 1322 North Lake Park Boulevard, Suite 4
- Island Oasis Spa & Salon – 915 North Lake Park Boulevard, Suite B (name change)

Coming Up

- Conditional Zoning: 209 Peninsula Drive (pickleball court)
- Special Use Permit extension: condo building near Domino's off Saint Joseph Street asking for one year – September/Council
- Variance: 511 Harper Avenue – September 20/Board of Adjustment
- Temporary parking lots – September/Council
- Planning and Zoning goals: August 24/Council workshop

Vice Chairman Rouse asked if the new Code Enforcement Officer started yet. Mr. Hardison said yes, he started on August 1.

PUBLIC DISCUSSION

ACTION: Motion to open public discussion

Motion made by Chairman LeCompte

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

Motion passed 6-0

Thomas Tucker of 707 Harper Avenue, a long-term resident and property owner, said he wanted to share concerns about the tree issue. He said he supports property rights and pointed out that trees can often be old and have problems such as stunted growth and disease that make them physical threats to property and life, citing an incident in Wilmington during Hurricane Florence in 2018 when a tree fell on a house and killed a mother and child. He also mentioned that trees close to a structure can worsen damage from wildfires and high winds. Mr. Tucker suggested no taxes on vacant lots as an incentive for saving trees, adding that many people can't afford to hold unimproved property long-term because they are being forced to sell due to high taxes. He said this would take the pressure off property owners with unimproved lots. He said property owners need to retain the responsibility of knowing when to remove trees that are old and pose a threat. Mr. Tucker said education is another alternative for helping the situation without stomping on property rights or applying unequal treatment.

No one else 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 Boswell, Commissioner Crouch, Commissioner Piper

Motion passed 6-0

DISCUSSION ITEMS

3. Consider amending the Land Use Plan and Article IX to allow standalone residential buildings within commercial-residential mixed-use development and mixed-use classification
Applicant: Cape Fear Four, LLC

Applicant Cape Fear Four, LLC, would like to amend the current ordinance to allow for standalone residential structures for commercial-residential mixed use. As part of the text amendment process, the amendment would need to be consistent with the Land Use Plan (LUP). If the Commission voted to change the ordinance, it would also change the LUP policy.

Commercial-residential mixed-use buildings are allowed in Highway Business (HB) and the Central Business District (CBD). Commercial-residential mixed use allows for mixed-use buildings but not for mixed-use developments with standalone residential buildings. The ordinance requires residential on upper floors and commercial on the ground or first habitable floor for all buildings. The proposed amendment would allow for a 10-acre or greater lot to have standalone residential buildings. To protect the commercial corridor, any standalone residential building shall not be located any closer than three times the setback distance to a major thoroughfare (Lake Park Boulevard and Dow Road). The amendment also includes a minimum of 1,500 square feet per acre of commercial uses. HB

requires a minimum front setback of 30 feet. The applicant would like to apply the proposed amendment to a project in the HB district. The proposal would combine two parcels to equal the 10-acre requirement. There is only one lot in HB and CBD that is close to or over 10 acres, and that is the Publix property.

The LUP states that this is classified as a higher-density area with a mix of uses within the district and individual buildings. Residential uses are allowed only on upper stories. The LUP amendment would add a sentence that stated this would be required unless associated with a commercial-residential mixed use on a 10-acre or greater lot.

Commissioner Crouch asked if the increased setbacks for the standalone residential building would apply to Saint Joseph Street on the back of the property. Mr. Hardison said no because Saint Joseph Street is not defined as a major thoroughfare, but it would have a 30-foot setback off Saint Joseph Street to a building.

ACTION: Motion to open the public hearing

Motion made by Chairman LeCompte

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

Motion passed 6-0

Sam Franck of Ward and Smith, representing the applicant, said the individuals who make up Cape Fear Four have significant development experience in New Hanover County. He said the current ordinance contemplates small mixed-use sites in a single building, which makes sense with small lots in a high-density area. He said it fails to take into account the potential benefits of a large site with horizontal mixed uses where you might have commercial adjacent to residential adjacent to buildings that are mixed. Mr. Franck said the fundamental benefit of mixed-use development is that it reduces vehicular traffic, but the design and benefit of mixed use does not necessarily mean stacking uses in the same structure but to provide access to uses in a live-work type of environment. He said the site is located adjacent to significant commercial establishments, and by combining mixed-use buildings along major thoroughfares and standalone multifamily residential buildings you create a mixed-use node in one of the most significant sections of the Town. Mr. Franck said the concept of horizontal mixed use is consistent with the Urban Land Institute's definition of mixed use and that it's not just good planning but makes good development sense. He pointed out that the matter before the Commission now is whether to approve the text amendment that would allow for the next step in the process of Cape Fear Four's proposed project, which would be an application for Conditional Zoning approval of a specific project to come back in October. He said the conceptual drawing of The Proximity is just an idea of what could be accommodated on the site with this text change and that details could vary based on community input. Currently the plan shows a high-end restaurant facing Lake Park Boulevard with outdoor seating and upper stories that would include residential, a live-work building with office on the ground floor and residential above, residential-only buildings with amenities, and a stormwater pond. Mr. Franck said the text amendment and subsequent zoning application that Cape Fear Four hopes to put before the Commission will establish a truly mixed-use node in this section of the Town and fits very well in the area.

Fred Tolhurst of 712 Saint Joseph Street said the petition addresses what the applicant wants to do but not why. He said the applicant fails to demonstrate how this proposed change will result in improved regulations for all residents of the Town. Mr. Tolhurst said in his view there is no reasonable argument that would result in the owners expecting that the property could be used for residential development. He said past plans call for mixed use with commercial on the ground floor of each building as appropriate for these parcels to achieve a decreased reliance on vehicles. Mr. Tolhurst said adding more than 300 residences on the property will not help with vehicular traffic issues. He said what the Town's ordinance currently provides for is an adequate framework for development of this property and that there is no compelling reason for the proposed change. Mr. Tolhurst said because there are only a few large parcels left to develop, we should be careful with what we have and maintain current development parameters unless there is good reason to change them. He said the proposed change is intended to benefit a few people who are not residents instead of protecting the people who live here. Mr. Tolhurst urged the Commission to deny the petition and keep the ordinance as it currently stands.

Sarah Efird of 609 Rocky Mount Avenue said Mr. Tolhurst expressed many of the things on her mind. She said this proposal will cause issues with stormwater and traffic. Ms. Efird said she wants to know why commercial won't be done downstairs in all buildings and said she has issues with any change to the LUP, which she worked on when she was on the Commission in 2011 and 2012. She mentioned the latest LUP update was just last year and questioned why the applicant could not do the project without changing any of the text amendments.

Mr. Franck said mixed use is already permitted in HB, and it already allows density that would contemplate much greater than 340 residential units on this property. He said it's not about changing the code to allow mixed use or residential as part of mixed use in HB but is instead about allowing logical and effective organization of mixed use on a large site, which is a natural evolution of the code. Mr. Franck said the text amendment would allow for the concept that a developer could organize a mix of uses in a variety of ways based on a specific site. He said horizontal mixing of uses achieves efficient use of the space that allows for preservation of more trees and open space and promotes a diversity of housing types, which increases land value and helps the tax base while minimizing the impact on the land. Mr. Franck said the concept of a grocery store, restaurant, and office space all within walking distance of desirable housing is an absolute planning win and what the applicant is trying to achieve for the Town. He said The Proximity is a beneficial project for the Town as a whole because it establishes a truly mixed-use node in an area where it would be most useful from a planning perspective. Mr. Franck said the applicant will solicit community input for the specific plan and that this is just a proposal for the text amendment.

Ms. Efird said if the intent is to add to the community, then the project should have commercial downstairs in all of the buildings with more restaurants and other businesses on the site.

Mike Hoffer of 608 Seafarer Drive, who served on the Commission for three years and is currently Chairman of the Town's Bike/Ped Committee, said he encourages creative development on the island and if the project is not increasing the density requirement then he doesn't see any reason not to support allowing developers the ability to use more creativity, which could result in producing some viable options after input from the community. He said without knowing all the details of the specific project, he is generally in support of allowing the text amendment.

No one else requested to speak.

ACTION: Motion to close the public hearing

Motion made by Chairman LeCompte

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

Motion passed 6-0

Commissioner Boswell said she wanted to point out that the LUP was just updated a year ago, and while she is not against development she does have concerns about traffic congestion and stormwater.

Commissioner Hogan asked if the project is adding capacity over what the ordinance currently allows. Mr. Hardison said the specific site plan has not been evaluated by staff, but in the current code there is not a set density for HB. He said if a developer can meet parking, height limit, setback, and lot coverage regulations, then whatever can fit in that box under those parameters is allowed. He said right now that box would have to consist of ground commercial and upper floors of residential.

Commissioner Piper asked what the percentage of commercial square footage is compared to the entire square footage of the project. Mr. Franck said nothing about the proposed text amendment changes limitations on impervious surface, built-upon area, or the like under HB. He said it's a conceptual plan so he doesn't have an answer to that question, but the intended plan includes approximately 20,000 square feet of commercial use on the 10.5-acre site.

Commissioner Crouch said as long as the project is facilitating the amount of commercial space that the Town wanted in the LUP but just moving from one building to the next, he can live with the proposed change, but if the text amendment is going to allow a reduction in the amount of net commercial space then he would have serious concerns.

Chairman LeCompte said as a former member of the LUP Steering Committee, she can attest that there was specific direction from residents and that the Town went with that direction. She said she wanted to point out that at a recent Council meeting there was a presentation stating that the majority of County residents wanted a more bikeable and walkable community and that's about density with retail being within reach of residential so people don't have to get in their cars and leave the island.

Mr. Franck said there is a certain level of commercial and residential use that the market would consider useful and absorb. He said if the Town uses the code to compel the location of commercial and retail use, then that is detracting from what organically will happen in the market. Mr. Franck said the text amendment allows flexibility of building orientation in a way that suits market demands only on a large site where the Town has identified that mixed use is the desire. He said there is no benefit for the developer to put residential use in a place where the citizens of the market prefer to see commercial.

Vice Chairman Rouse asked if this text amendment would allow the Publix site to have the opportunity to put residential there in the future. Mr. Hardison said that site was approved for strictly commercial,

but the text amendment could potentially affect this. However, he said the Publix site would have to come back through the amendment and approval process to change what was previously approved. Mr. Hardison said this is the only remaining site in the Town that could potentially be affected by the text amendment and that more than half of it is already developed with a second phase approved for commercial. Vice Chairman Rouse said he wanted to mention the Publix site so the public is aware. He said as a former member of the LUP Steering Committee he has mixed feelings because although the LUP was just passed, he understands there could be a newer and better approach and having an open mind is necessary. Vice Chairman Rouse said he is also concerned that the Publix site could have a legitimate right to change its plans to residential if the text amendment passed.

Commissioner Crouch said he is concerned that this change would enable higher density of residential and less commercial.

Commissioner Boswell said she is on the fence because the change could open up the Town to unintended consequences if property owners start combining plots of land to get to over 10 acres. Mr. Hardison said the only other privately owned site that is over 10 acres now is across from Dow Road and currently zoned as industrial, where residential and mixed use are not allowed at this time.

Commissioner Crouch said it is common for the Commission to have a conflict between the general LUP and a specific project. He asked if the project could go through a Special Use Permit process without having the text amendment triggering a broad-stroke change to the LUP. Mr. Hardison said in the LUP there is specific language that states residential is only allowed on upper floors of mixed-use buildings and that it would be hard to interpret this any other way. He said if the Town did not approve the text amendment but approved the specific project because it's in the best interest of the community, it would automatically change the LUP as well to be consistent.

Commissioner Hogan, who also served on the LUP Steering Committee, said he is also on the fence because residents have stated they want commercial such as more retail, restaurants, and other things to do on the island in HB. He said he would not have a problem with achieving the same net commercial use while configuring the buildings in a new way.

Chairman LeCompte said she is concerned about the Publix property because if this text amendment is approved then residential could go there and cause a density issue when there are already problems with water/sewer and stormwater.

Commissioner Piper said he was also concerned about future plans that could come about for the Publix property as a result of the proposed text amendment.

Commissioner Boswell asked if there is a reason why this plan wouldn't work with commercial on the bottom floor. After some explanation from Mr. Hardison, Mr. Franck asked to speak again.

ACTION: Motion to reopen the public hearing

Motion made by Chairman LeCompte

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Boswell,

Commissioner Crouch, Commissioner Piper

Motion passed 6-0

Mr. Franck said his clients are in the development and brokerage business and deal with market demand and pressure.

Brian Eckel of 821 South Lumina Avenue in Wrightsville Beach and a representative of applicant Cape Fear Four said the parcel has been vacant for a very long time and that there would already be commercial use there if that was what the market would bear. He said they want to bring more commercial to the Town and the intent is to create 20,000 square feet of commercial space. Mr. Eckel said it's not realistic to think the entire parcel could be commercial because the market won't support it and he doesn't think the site could be developed in that manner. He said he thinks it will only support commercial use on the Lake Park Boulevard side and that commercial would struggle on the Saint Joseph Street side and is therefore not feasible. Mr. Eckel said he thinks the site can support 15,000 to 20,000 square feet of commercial use, including restaurants, but that actual soft-good retailers would be tough to attract because of changing consumer trends that favor online retailers such as Amazon. He said Mayfaire has frequently seen retailers go out of business in recent times. Mr. Eckel said Autumn Hall is an example of what is intended for this site while doing so in a thoughtful manner.

Mr. Tolhurst said if the applicant can't justify 20,000 square feet of commercial space for this site, maybe the developers don't need all 10 acres with both parcels. He suggested they develop one parcel and preserve the other and said it's misleading to try to evaluate the current ordinance based on a plan that was laid out for the proposed change of the ordinance. He said if the applicant had to develop the property based on the current ordinance, the plan would look much different.

No one else requested to speak.

ACTION: Motion to close the public hearing

Motion made by Chairman LeCompte, Seconded by Commissioner Hogan

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

Motion passed 6-0

Commissioner Piper said he is unsure about whether to support the text amendment because he needs more details to try to understand the percentage of commercial versus the percentage of the footprint of retail.

Commissioner Crouch said allowing flexibility for developers to build unique projects is something the Town needs, but it's hard to figure out whether this would be adding increased residential use to an area where the LUP indicates there is a desire for more commercial. He said if the math is net neutral, then he would have no problem with the change.

Vice Chairman Rouse said he has heard from a lot of residents that they don't want that many apartments on the site. He said he realizes the highest and best use of that property is mixed use and

that there may be more creative ways to achieve that without adhering to the traditional commercial downstairs and residential upstairs. He said someone will eventually develop the property with some commercial and some residential and that that it will not be another center like Publix, but he thinks the Town needs to consider the best way to get to that mix. Vice Chairman Rouse said he cannot support the text amendment without knowing if the percentage of commercial is going to be the same or close to what could go there under the current ordinance. He said if he knew that and was comfortable with it, then he would vote to approve the text amendment.

Chairman LeCompte said if the applicant is taking away density from commercial and adding residential density, then that's a tough decision because residential use generally has a bigger impact on Town infrastructure than commercial use.

ACTION: Motion to deny the text amendment based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents

Motion made by Commissioner Boswell, Seconded by Vice Chairman Rouse

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

Motion passed 6-0

4. Consider a text amendment to Chapter 40 Article XII Section 40-354 Review Criteria, to update standards related to Major and Minor PUD applications

Staff was directed to address issues involving Planned Unit Developments (PUDs) with non-conforming structures and incomplete site plans being submitted for Major and Minor PUDs. This language would eliminate the option to have a PUD without making all structures conforming and reiterate the site plan requirements for PUDs as set forth in Article XIII.

Mr. Hardison presented the details.

Background

- PUD submissions have been inconsistent in their standards.
- Non-conforming properties are being utilized to place a second structure while the first is in violation of one or more building, Coastal Area Management Act (CAMA), fire, flood, or zoning ordinances.
- Staff was directed to tighten up the ordinance to ensure that these projects, which don't always require Council approval, are still meeting high standards.

Commissioner Crouch asked if this was staff-driven or Council-driven. Mr. Hardison said it was staff-driven because a trend was recognized, causing concern about unintended consequences resulting from allowing PUDs permitted by right.

ACTION: Motion to open the public hearing

Motion made by Chairman LeCompte

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Boswell,

Commissioner Crouch, Commissioner Piper
Motion passed 6-0

Thomas Tucker of 707 Harper Avenue said as a broker since 1973 he has been aware of a lot of situations that are legally non-conforming, meaning they were built according to code at the time, but he mentioned that there are other instances that have come about in a sneaky manner, which he considers illegally non-conforming. He said this is not right and should be an important part of this conversation. Mr. Tucker gave the example of a garage becoming a garage apartment.

No one else requested to speak.

ACTION: Motion to close the public hearing

Motion made by Chairman LeCompte

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

Motion passed 6-0

Chairman LeCompte said she thinks this is a no-brainer.

ACTION: Motion that the Commission, whereas in accordance with the provisions of the North Carolina General Statute 160A-383, does hereby find and determine that the adoption of the text amendment to Chapter 40 Article XII Section 40-354 Review Criteria, to update standards related to Major and Minor PUD applications, 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 Boswell, Commissioner Crouch, Commissioner Piper

Motion passed 6-0

NON-AGENDA ITEMS

None

ADJOURNMENT

ACTION: Motion to adjourn

Motion made by Chairman LeCompte, Seconded by Commissioner Hogan

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

Motion passed 6-0

The meeting adjourned at 8:17 PM.