

# CAROLINA BEACH

Planning and Zoning Commission

Thursday, September 12, 2024 - 6:00 PM

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



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## MINUTES

### CALL TO ORDER

Chairman Rouse called the meeting to order at 6:00 PM.

### PRESENT

Chairman Wayne Rouse

Vice Chairman Jeff Hogan

Commissioner Melanie Boswell

Commissioner Todd Piper

Commissioner Bill Carew

Commissioner Lynn Conto

### ABSENT

Commissioner Ethan Crouch

### ALSO PRESENT

Community Development Director Jeremy Hardison

Senior Planner Gloria Abbotts

### CONFLICT OF INTEREST

*Members of Planning and Zoning shall not vote on recommendations, permits, approvals, or other issues where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member or a member has a close familial, business, or other associational relationship. No member shall be excused from voting except upon those matters as noted, above, or upon those others involving the consideration of his own financial interest or official conduct. (160D-109)*

### APPROVAL OF MINUTES

1. August 8, 2024 – P&Z Minutes

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

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

### STAFF REPORT ON RECENT DEVELOPMENTS

Ms. Abbotts reported the following statistics for September:

## Permitting

- 36 permits (renovation, repair, grading, additions, fences)
- 7 residential new construction
- 9 certificates of occupancy

## Code Enforcement

- 25 complaints received
- 8 non-code-enforcement complaints received
- 13 resolved complaints

Commissioner Carew asked about unresolved complaints. Ms. Abbotts said a few are outstanding or have been sent letters and resolution is pending.

Chairman Rouse asked about the required time frame for action once a property owner receives notice. Mr. Hardison said it depends on the type of violation, but it's typically 15 to 30 days.

Vice Chairman Hogan said he appreciates that staff has added non-code-enforcement complaints to the report.

## Demos

- 309 Cape Fear Boulevard
- 925 Carolina Sands Drive

## Town Council and Other Updates

- Silver Dollar addition – approved by Council
- Proximity – certificate of occupancy on first building upcoming
- Boardwalk rides – gone but proposing to come back by Easter
- Board of Adjustment September 18 – Dry Dock Inn pool fence variance and sidewalk café appeal
- Bike/Ped open house – September 26
- Envisioning flood resilience workshop – November 6
- Text amendment for building footprint definition – Technical Review Committee (TRC)
- Stop sign request at 6th Street and Raleigh Avenue – TRC

## Project Updates

- 1810 Canal Drive – Coastal Area Management Act (CAMA) grant
- Ocean Boulevard sidewalk – October
- Boardwalk bathroom – winter
- Saint Joseph Street multi-use path – winter
- I (heart) CB sign – March
- Submitted grant for South Lake Park Boulevard sidewalk from Lake Park to Alabama Avenue

Chairman Rouse asked who is requesting the 4-way stop at 6th Street and Raleigh Avenue. Ms. Abbotts said she believes it's one of the property owners on the corner. Mr. Hardison said it was requested by Gary Doetsch.

**PUBLIC COMMENT**

None

**PUBLIC HEARING**

2. Consider a Preliminary Plat for a 4-Lot Subdivision Located at 1231 Saint Joseph Street  
Applicant: Black Lotus Properties, LLC

Black Lotus Properties, LLC, has submitted a request for a preliminary plat approval for the Kybalion Creek subdivision at 1231 Saint Joseph Street. The property is 49,437 square feet (1.14 acres). This subdivision will consist of 4 lots between 7,224 and 10,231 square feet. The existing single-family home on the property will become Lot 2 of the subdivision.

The applicant proposes to install a private road, Reef Road, which will meet the minimum width of 22 feet. The road will be constructed with impervious material that meets the standards of the N.C. Department of Transportation (DOT) and Fire Code, subject to the Commission's approval. To remain within the 10,000-square-foot impervious surface limit for a State stormwater permit, a pervious road surface is proposed. The existing ditch that runs along the rear of the property will be relocated closer to the rear property line, with a riprap-lined swale to manage drainage. The existing ditch carries flow from other properties, which the engineer has provided calculations to account for additional drainage. The only proposed fill would be for the ditch relocation. Most of the dirt from the new ditch will be repurposed to fill in the old ditch, with only a minimal amount of additional fill required. The site will be graded to maintain natural flow from south to north. An 85-foot-by-60-foot hammerhead at the end of Reef Road will be installed for turnaround access. The entire subdivision is in an AE 11 flood zone. There is an existing fire hydrant in front of Forest by the Sea to service the subdivision. Water and sewer will be off Saint Joseph Street with private lines extended to service the lots. Streetlamps will be required, and street trees will be installed for every 50 feet of lot frontage. Existing vegetation can be used and is encouraged. Sidewalks are not proposed along the street, but the Commission may require the applicant to construct a sidewalk. The proposed 8-foot multi-use path will be in the right-of-way in front of the subdivision.

Single-family dwellings are permitted by right in the R-2 zoning district, which has a minimum lot size of 7,000 square feet. Setbacks for structures in this district are 25 feet from the front, 10 feet from the rear, 7.5 feet from the side yards, and 12.5 feet required on corner lots. The maximum height for structures is 45 feet, with a maximum lot coverage of 40% and a maximum impervious coverage of 65% per lot.

Ms. Abbotts presented the details. She reviewed surrounding uses, the site plan, and an overhead view of the property, and she detailed staff's recommendation:

- Street trees every 50 feet; existing vegetation may be used
- Permanent monuments at corners
- Drainage plan required

- Surfacing shall be approved by the Commission
- The Commission shall require sidewalks
- Shall install street sign, light poles, and stop sign
- Bury electrical lines
- Lot coverage may not exceed 40%
- Designate location of open space
- State soil and erosion control permit required for over an acre disturbance

Ms. Abbotts said the applicant addressed TRC comments, and planning staff recommends approval of the preliminary plat.

Commissioner Boswell asked if the applicant is proposing single-family homes. Ms. Abbotts said yes, in R-2 a maximum of 4 single-family homes, including the existing home, is all that would be able to go on the property.

Chairman Rouse asked for more details about the amount of fill that would be used. Ms. Abbotts said her understanding is that they are going to use some of the fill from relocating the ditch to grade it but may have to bring in additional fill for it. She said she doesn't think specifics have been received for each lot, but they would have to meet the new Unified Development Ordinance (UDO).

Commissioner Carew asked how far back the relocated ditch will go. Ms. Abbotts said they are pushing it back about 5 feet.

Chairman Rouse asked about the flow of water through the ditch. Ms. Abbotts said she believes it is south to north, so it follows the property line and then goes to Saint Joseph Street.

Commissioner Carew asked who maintains the ditch now and who will maintain it in the future. Ms. Abbotts said she believes it will be the owner. Mr. Hardison said he is not aware of any Town easements for the Town to maintain the ditch, so it would be the neighborhood's responsibility.

**ACTION:** Motion to open the public hearing

Motion made by Chairman Rouse

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

Tommy Scheetz of Headwaters Engineering, representing the applicant as the civil engineer for the project, said there will not be an erosion control permit because there will be less than 1 acre of disturbed land, and there will not be a State stormwater permit because there is less than 10,000 square feet of impervious surface proposed. He said the ditch drains the area from behind Publix and ends up at Saint Joseph Street and Lewis Road, and once it goes there it ends up in the marsh. Mr. Scheetz said there will be a homeowners association (HOA) for the subdivision, and it will maintain the ditch as well as a private gravity sewer main that he is proposing to serve the homes. He said the roadway will be made with 100% pervious materials.

Vice Chairman Hogan asked for details about riprap, which is the material proposed to line the ditch. Mr. Scheetz said these are big stones often seen on stormwater ponds. Vice Chairman Hogan asked if the ditch across from Hang Ten Grill going into the Lake is an example of riprap, and Mr. Hardison said yes.

Commissioner Boswell asked how the applicant feels about sidewalks in the neighborhood. Mr. Scheetz said the applicant did not feel a sidewalk was necessary for this subdivision because it's only 4 lots and only about 250 feet from Saint Joseph Street to the back lots. Commissioner Boswell said the Commission usually asks for sidewalks from new neighborhoods to fit with the goal of trying to make this a bike- and pedestrian-friendly town and asked if the applicant would be opposed to sidewalks if they were made part of the plan. Mr. Scheetz said the applicant would rather not do sidewalks, but if that's a condition of approval he'll have to do it.

Commissioner Carew asked if calculations took into account existing flow plus any new flow created. Mr. Scheetz said yes, and they conservatively estimated the drainage area and amount of runoff going to the ditch in case of heavy rain events.

Commissioner Piper said pervious concrete in a lot of areas does not seem to work well because there is so much sand here and asked if the road will be maintained by the HOA. Mr. Scheetz said yes, and the reason he is showing a Truegrid permeable surface is because of that. He said pervious concrete has a lot of maintenance issues, and with this you just have to spray or cut weeds and that's it. Mr. Scheetz said sand may affect it some but not nearly as much as pervious concrete or asphalt. Commissioner Piper said his concern is that it would be a challenge to stop sheet flow runoff during construction from going into the road. Mr. Scheetz said they could use any pervious surface, but this is the best option he has identified and there is not really going to be any grading on the lots because the property is in a flood zone and homes will have to be on pilings, so they should be able to set the pilings and build the house. Commissioner Piper was skeptical that there would not be fill put on the lots and asked if there is a way after all 4 homes are built to ensure the road meets the original data intended, that it's still permeable and no impermeable surface has been created accidentally. Mr. Scheetz said there are options, such as pulling it up and resetting or doing an infiltration test. Commissioner Piper said it would make him happy and do the neighbors justice to make sure it still works.

Commissioner Conto echoed Commissioner Boswell's concerns about sidewalks. She said because of the multi-use path going in front of the property, it makes sense to go ahead and connect to that. Commissioner Conto also said she agreed with Commissioner Piper that the road's permeability should be rechecked in a flood zone.

Chairman Rouse asked if anyone from the public wanted to speak.

Erika Robertson of 100 Lanier Landing Court said she appreciates the green marks on the plan indicating trees, but she's sad to hear most of them might be gone once the lots are developed because there are at least a dozen mature trees with 30 to 45 feet of elevation. She said many people consider Saint Joseph Street to be the prettiest road in the Town, and that will not continue if there is no consideration of how to treat the character and integrity of the road. Ms. Robertson said she

doesn't fault the applicant for wanting to develop the property, but she would love to see a tiny home on Lot 1 to keep the trees from being destroyed and changing the character of Saint Joseph Street.

Mario Piccinin of 104 Lanier Landing Court said his biggest concern is drainage of his neighborhood's stormwater pond and moving the ditch. He said a lot of water moves through there and he sees a lot of sand in the ditches, so it's important to make sure the ditch is moving water efficiently. Mr. Piccinin said when the ditch is moved, a lot of trees along the back area will likely have to come down. He also asked some questions about the proposed homes for the property, but Chairman Rouse said this part of the process is only looking at roads and other infrastructure, not homes.

Mr. Scheetz said his client wants to save as many trees as possible and will place homes to preserve the most desirable trees.

Chairman Rouse asked about the adjacent neighborhood's retention pond. Mr. Scheetz said his calculations assumed there is no pond, and the pond should control the post-construction flow to the pre-development condition. He said if there is some backflow going in and out of the pond it could be a maintenance issue, so he recommended that the neighborhood ensure everything is well-maintained.

Commissioner Carew asked if the applicant intends to take out any trees other than for the apron for entry to the development. Mr. Scheetz said no, it would be for just the driveway. Commissioner Carew asked if the applicant intends to get the Town's consent if any trees need to be taken down in the right-of-way. Mr. Scheetz said yes.

Commissioner Piper asked if the applicant is going to sell the lots or develop the area himself. Mr. Scheetz said he doesn't think the applicant knows yet. Commissioner Piper asked if the applicant has experience in constructing homes. Mr. Scheetz said he's in real estate.

Mr. Piccinin said as far as maintenance of his neighborhood's pond, they do contract a company that comes every quarter to inspect the pond and maintain permits, and as far as they know it's operating the way it should.

No one else requested to speak.

**ACTION:** Motion to close the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

Commissioner Boswell said she is in favor of the project with sidewalks on one side of the frontage street and both sides of any other streets in the subdivision. She said other new neighborhoods have been required to put in sidewalks, and people need a safe place to walk.

Commissioner Piper said if you put a sidewalk on the north side, it's going to impact green surface considerably. Commissioner Boswell said the sidewalk would go on the south side where the homes are.

Commissioner Carew asked if the sidewalks should be composed of Truegrid material so they would also be pervious. Chairman Rouse said otherwise, it could bump the project over the 10,000-square-foot impervious surface limit for a State stormwater permit.

Commissioner Piper questioned what the road will be like as a walking surface. Vice Chairman Hogan asked if there is an example of this material anywhere in the Town. Mr. Scheetz said there is a small section of this material along the Wrightsville Beach Loop near the rec center. He said it's very soft and has small, heavy-duty plastic cells configured like honeycomb. Commissioner Piper said his concern is he doesn't know this material, and he doesn't think it's conducive to walking. He said a lot of people don't like walking on gravel, and the proposed system for the road is not going to create a walkable neighborhood feel. Commissioner Carew said the road could be an issue for someone with mobility problems. Commissioner Piper said if they require sidewalks, it's going to create an impediment for the developer, but on the other hand he agrees that the road could create mobility problems. Commissioner Boswell said she thinks she has seen the material before, and if it's the same as she is thinking, it is walkable.

Chairman Rouse asked if staff had a recommendation regarding sidewalks. Ms. Abbotts said they discussed it with the applicant, but because of the multi-use path going out front staff decided to leave it up to the Commission.

Commissioner Piper said sidewalks would be a big cost for 4 houses. Mr. Scheetz said this would also take out more trees.

Commissioner Carew said he would tend to favor trees over a sidewalk.

Commissioner Piper said he would lean toward a sidewalk but wants to know if there are other solutions to consider.

Vice Chairman Hogan said he likes sidewalks and trees.

Commissioner Boswell said she also likes both and asked for Mr. Scheetz to come back up to address Commissioner Piper's question. She wondered if there was a way to compromise by saving the oak trees on the property and having a sidewalk.

**ACTION:** Motion to open the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

Mr. Scheetz said he loves sidewalks and is all for them, but he doesn't see the necessity of having a sidewalk for 4 lots on a dead-end road that has no interconnectivity with neighboring properties. He said if the goal is to save trees, then they need to stay as far away from them as possible.

Commissioner Piper asked about preserving the 27-inch oak and asked what kind of grading will be done to the road. Mr. Scheetz said any root matter or vegetation would be removed and it would need to be a flat surface. He said the property is very flat, so there should be minimal grading and just some prep work.

**ACTION:** Motion to close the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

Mr. Hardison said when the application for this project was submitted the Town applied the old subdivision ordinance, but the new UDO currently in place says all subdivisions with 6 or more lots shall have sidewalks.

Vice Chairman Hogan said the driveways for each property would break up any sidewalk, so he would rather keep trees.

Commissioner Boswell said she would agree to support the project without a sidewalk but will be riding by the site to check the trees.

**ACTION:** Motion to close the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

**ACTION:** Motion to approve the preliminary plat for Kybalion Creek as presented and approve the pervious road and make sure that a test is done on the driveway after construction of the 3 residences to make sure that the road is still draining properly

Motion made by Vice Chairman Hogan, seconded by Commissioner Boswell

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

Chairman Rouse thanked members of the public for attending and expressed appreciation for their input.

**DISCUSSION ITEMS**

3. Appoint a Chairman and Vice Chairman of the Planning and Zoning Commission



**ACTION:** Motion to nominate Chairman Rouse for a second term as Chairman  
Motion made by Commissioner Conto, seconded by Vice Chairman Hogan  
Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Piper,  
Commissioner Carew, Commissioner Conto  
*Motion passed 6-0*

Commissioner Conto said during his current term, Chairman Rouse has demonstrated outstanding leadership and dedication.

**ACTION:** Motion to nominate Vice Chairman Hogan for another term as Vice Chairman  
Motion made by Commissioner Conto, seconded by Commissioner Boswell  
Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Piper,  
Commissioner Carew, Commissioner Conto  
*Motion passed 6-0*

Commissioner Conto praised Vice Chairman Hogan's passion and commitment to the Town and its future.

#### **NON-AGENDA ITEMS**

Chairman Rouse asked Mr. Hardison about the status of any new guidance from the State regarding accessory dwelling units (ADUs). Mr. Hardison said there was a bill, but it has not gone forward. Chairman Rouse asked him to keep the Commission informed of any changes on this matter.

#### **ADJOURNMENT**

Chairman Rouse adjourned the meeting at 7:15 PM.