

# CAROLINA BEACH

Planning and Zoning Commission Meeting

Thursday, July 14, 2022 - 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

Commissioner Melanie Boswell

Commissioner Ethan Crouch

Commissioner Todd Piper

Commissioner Bill Carew

Commissioner Lynn Conto

### ABSENT

Vice Chairman Jeff Hogan

### ALSO PRESENT

Planning Director Jeremy Hardison

Senior Planner Gloria Abbotts

### APPROVAL OF MINUTES

1. March 10, 2022 – P&Z Minutes

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

Motion made by Chairman Rouse

Voting Yea: Chairman Rouse, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

### STAFF REPORT ON RECENT COUNCIL MEETINGS

Ms. Abbotts reported the following statistics for April-June:

#### Permitting

- 168 permits (renovation, repair, grading, additions, fence)
- 52 residential new construction
- 60 certificates of occupancy

#### Demos

- 501 Dow Road (new bathrooms coming to Mike Chappell Park)
- 608 Glenn Avenue
- 1611 Searay Lane
- 413 Cape Fear Boulevard
- 1421 Mackerel Lane
- 123 Harper Avenue
- 911 Blanche Avenue

#### New Businesses

- Encor Solar – 1326 North Lake Park Boulevard, Suite 3
- Grant Healey Pottery – 1324 North Lake Park Boulevard, Suite 3
- High Tide Lounge – 1800 Carolina Beach Avenue North at Carolina Beach Pier (new owners)
- Nancy Jo’s Homemade – 1206 North Lake Park Boulevard, Suite G (relocation)

#### Town Council and Other Updates

- Fireworks and rides permitted
- Council passed water usage text amendment
- No action taken on petition to pave 2nd Street
- Council adopted Americans with Disabilities Act (ADA) Transition Plan
- Beautification Committee coming before Technical Review Committee (TRC) about planting trees in street rights-of-way
- Right-of-way closure for Saint Joseph Street as part of the Basin Road project coming before TRC
- Minor Planned Unit Development (PUD), two units at 314 Cape Fear Boulevard, coming before TRC
- Minor Planned Unit Development (PUD), three units at 1323 Saint Joseph Street, coming before TRC
- Stop sign petition in Seagrove neighborhood coming before TRC
- Neighborhood Business text amendment heard in November has not yet gone to Council; still trying to work out kinks
- The Proximity is applying for business permits soon, and TRC will likely hear some of the plans in August
- Discussion about possibly changing the speed limit on Carolina Beach Avenue North from 25 mph to 20 mph coming before TRC
- Conditional Zoning (CZ) for new hotel at 207 North Lake Park Boulevard coming before TRC

#### Upcoming Projects

- 123 Harper Avenue wants to rebuild a multi-use, multi-tenant building
- 2 Carolina Beach Avenue North, former Krazy Kones, wants to upfit for a restaurant
- 619 Spencer Farlow Drive, apartments that burned down, applied to rebuild in the same footprint

Some Commissioners had questions about 123 Harper Avenue. Mr. Hardison said the real estate office doesn’t need the whole building, so the owner wants to create two commercial storefronts on Lake

Park Boulevard and a residential unit upstairs. He said it will be the same look and height as what was there before. Chairman Rouse asked if this project will come before the Commission. Mr. Hardison said the project doesn't reach the scope of CZ because of the square footage, so it would be approved at the staff level. He said right now the main challenge is working out parking for the residential unit.

## **PUBLIC DISCUSSION**

None

## **DISCUSSION ITEMS**

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

The current Chairman and Vice Chairman were appointed in January after former Chairman Deb LeCompte was appointed to Council. Regular appointments are scheduled to occur in July of each year.

Commissioner Conto suggested keeping the current Chairman and Vice Chairman in place because they had only served for a few meetings since their initial appointments.

**ACTION:** Motion to nominate Wayne Rouse and Jeff Hogan for Chairman and Vice Chairman  
Motion made by Commissioner Piper, seconded by Commissioner Boswell  
Voting Yea: Chairman Rouse, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto  
*Motion passed 6-0*

Chairman Rouse said Vice Chairman Hogan's absence is excused due to unforeseen air travel delays.

3. Unified Development Ordinance (UDO) Kickoff Meeting

Cape Fear Council of Governments (CFCOG) will be assisting the Town with the creation of a UDO. CFCOG is one of 16 multi-county regional planning and development agencies established in 1972 to support local governments. The organization provides a wide array of planning and development management services to local governments.

The UDO project will be divided into two phases. Phase 1 will consist of an audit of the currently adopted development codes and all applicable general codes. Phase 2 will consist of implementing the recommended changes identified in Phase 1 through the creation of a new UDO for the Town. Staff will conduct several facilitated meetings with the Commission as part of Phase 1. Once Phase 1 is complete, the UDO drafting process will begin.

### Phase 1

To complete Phase 1 of the UDO creation process, there will be an audit of the Land Development Code, including the zoning, subdivision, and stormwater chapters. Phase 2 will be conducted following the audit and include drafting language and implementing recommendations that result from Phase 1. As part of the UDO creation process, staff will work with the Commission to conduct facilitated meetings for review of the current Land Development Code and any applicable General Code section.

This task is expected to take three to four meetings. As part of the audit, staff will identify articles and provisions that warrant change, removal, or update. Written findings will be delivered at each Commission meeting. The following will be included as part of the audit:

1. Identification of potential problems, improvements, and inconsistencies in the Land Development Code chapters and General Code.
2. Detailed review of the administrative and approval procedures, definitions, permitted uses, zoning map, dimensional standards, and key development standards.
3. Presentation/written audit of findings.

Once complete, CFCOG will pursue incorporating the agreed-upon recommendations and revisions for implementation in Phase 2.

## Phase 2

The Town seeks to consolidate its development regulations into a single UDO to enable staff, elected officials, and citizens to better understand and administer the regulatory provisions contained within. Issues identified during Phase 1 will be rectified through revisions to the newly created UDO. Examples of tasks to be completed as part of Phase 2 of the process include:

1. Update ambiguous administrative processes.
2. Update and revise definitions.
3. Update the table of permitted uses where necessary. Limited modifications to the table of uses are anticipated. Potential land-use conflict areas will be identified.
4. Review stormwater rules and regulations and update standards to reflect findings of the Code Audit.
5. Incorporate relevant sections from the General Code into the draft UDO.
6. Outstanding Legislative Updates and General Code Conformance.
7. Commission work sessions and consensus building to amend the ordinance to include all changes identified in Phase 1. Staff will guide the Commission in reaching consensus on key issues. Amendments and revisions to existing regulations will be made on a per-article basis for consistency and clarity. Once all revisions and updates have been incorporated into the new UDO, then the complete document will be recommended for approval by the Commission and referred to Council for adoption.
8. Review applications, forms, and development fees. To conclude the UDO, the Town will analyze the fee structure for development-related permits and ordinance amendments. To further enhance the development approval process, Town staff will review all applications and forms.

Mr. Hardison introduced Wes MacLeod, CFCOG Local Government Services Director. Mr. MacLeod, who has been with CFCOG since 2015, gave some background about the organization and his experience. He then gave a presentation about what a UDO is, details of UDO phases, and the role of the Commission.

Mr. MacLeod asked Commissioners what is going well with the Town. After several Commissioners asked some procedural questions, Commissioner Piper said the Town has made progress in becoming a walkable and bike-friendly community with a lot of green space and a good Central Business District with lots of restaurants and shops.

Commissioner Conto said from a safety perspective, the Town has addressed crosswalks and signage and reduced speed limits on several roads to make them more pedestrian- and family-friendly. She said the blend of architecture in the Town looks to the past and future.

Mr. MacLeod asked Commissioners if they are happy with downtown's mix of businesses and uses. Chairman Rouse said he is happy to see the mix of uses in downtown as well as the Highway Business area. He said a goal of the Land Use Plan was to put emphasis on mixed uses so the soul of the Boardwalk can be taken to other areas to allow opportunities for neighborhood nodes, and he thinks the Town has embraced this. Chairman Rouse said businesses are doing well and seeing crowds.

Mr. MacLeod asked what areas need improvements or changes in the future. Commissioner Carew said the Town has done a good job handling growth, but there could be improvements in keeping infrastructure up to speed in relation to the size of the community.

Commissioner Piper, who is a builder, said the Town's stormwater requirements can be problematic, especially for those who buy older homes, demolish them, and rebuild. He said there should be a pathway, such as financial credits, to make it easier to preserve older homes and not force demolition. Commissioner Piper said this scenario is becoming more common as the amount of land that's easily developable is rapidly shrinking.

Mr. MacLeod said builders often don't want to retain stormwater on site because it takes up coverage on the property and is expensive. He asked for Commissioner Piper's thoughts about this. Commissioner Piper said his feeling is we live on a sandbar between a lake and the ocean, so residents should live with their yard being wet until it drains within a couple of days. He said human efforts cannot outengineer Mother Nature.

Commissioner Boswell said she agrees with other comments and thinks stormwater can be a problem when builders bring in fill dirt. She said she hears frequent complaints that this is contributing to flooding, even in areas that are not in flood zones. Commissioner Boswell also said the Town could do a better job with responsible growth. She said infrastructure, trees and landscaping, and impervious surfaces are all important topics of concern. Commissioner Boswell said residents don't want to see the Town become a concrete jungle. She asked if gutters are required for single-family and duplex new construction. Mr. Hardison said there is nothing specific requiring gutters, just that stormwater must be managed to the street with some method. This led to a discussion about what other methods could accomplish this. Mr. MacLeod said he and the Commission will not go into an engineering-level update of the stormwater management ordinance during the process. He said if there is a need for this, it must be a request for Council.

Commissioner Crouch said he concurs with other comments and thinks the Town needs to work on how stormwater management plans are being prepared, submitted, reviewed, and amended. He said

the Town can also do better in terms of interconnectivity planning regarding both bike/pedestrian and vehicles.

Commissioner Conto said it all boils down to infrastructure and growing too fast.

Mr. MacLeod asked whether new construction is required to have underground utilities. Mr. Hardison said this is not required across the board but could be added as a condition to a CZ permit for a bigger project. Several Commissioners expressed support for buried lines, and Mr. MacLeod said this is being done on Oak Island.

The Commission will meet with Mr. MacLeod again in October. Mr. Hardison asked Commissioners to use the time between now and then to brainstorm and review ordinances. Chairman Rouse suggested that Mr. Hardison send Commissioners a link to the stormwater ordinance as a starting point.

#### 4. Update on Town Projects

Mr. Hardison reviewed Town projects that are underway or in the planning process:

- The Hamlet Avenue Ocean Rescue and restroom facility parking lot has been striped, and everything is fully functional.
- The Town has applied for State permits regarding stabilization of the shoreline and dredging improvements at the lake; it should take 30-70 days to get them. Chairman Rouse asked where the material will go. Mr. Hardison said it may be repurposed to shore up the banks where there has been erosion.
- Mike Chappell Park restrooms have been demolished, and the new modular unit is coming in two weeks and should be ready in August.
- The Town has received funds for new picnic shelters, bathrooms, and a playground at Lake Park, and this is currently in the design phase and will then go to Council for review.
- The south side of the marina project is currently underway, and in the winter work will move to the side adjacent to Canal Drive, which will result in temporary closure of that street. Plans call for the street to reopen in the spring and then the floating docks will go back, so things will hopefully be ready for next summer.
- The Town received a grant for improvements to the Starfish Lane street end at Canal Drive, which withstood hurricane damage. The pier and gazebo will be repaired, a true retaining wall will be installed, and some pervious surface will be added.
- The N.C. Department of Transportation (DOT) is planning to resurface Lake Park Boulevard in 2025, so now is the time to think about asking for striping, paving, bike lanes, and other improvements.
- Council has developed a Parking Committee to discuss policies and issues, and Chairman Rouse has been appointed to that group, which will give recommendations to Council in September. Among the topics being discussed are how rights-of-way are being used and how to best manage this as parking creeps into residential areas.
- The Town has funds for the resurfacing of Carolina Beach Avenue North, which will begin in winter.
- DOT is putting in a Hamlet Avenue stoplight next year.

- DOT is putting in a turn lane on Dow Road going into the State Park in both directions.
- Kure Beach is planning to extend the Island Greenway.
- The Town is looking to revisit the proposed multi-use path on Clarendon Avenue and planning to ask residents who were previously opposed if a compromise can be reached. Commissioner Piper suggested making this a one-way street. Mr. Hardison said there will be a public meeting to get feedback for Council.
- The Saint Joseph Street multi-use path is in the engineering design phase and will come back to Council, with expected completion in June 2023.
- The Town is looking to present two options to Council for the Ocean Boulevard sidewalk, so following a public input meeting Council will need to decide on which side of the road it goes.
- The State has awarded a \$4 million conservation easement for Freeman Park to prohibit future development and preserve it as open space forever.
- The Town received a grant for the Wastewater Treatment Plant to update the headworks process, which is basically a big filter system.
- Several stormwater projects are budgeted and funded, including Florida Avenue, which will include paving and a retaining wall.
- The Town is hosting a workshop for citizens who want more information about recent changes to the National Flood Insurance Program. This will be on August 10 at 6:00 PM in Council Chambers.

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

Chairman Rouse said the Parking Committee was an unexpected request from Council. He said the Chairman of each Town committee serves on the Parking Committee, which will have six meetings and then make a presentation to Council with feedback and recommendations for next season. Chairman Rouse said the Parking Committee is not empowered to make any changes, only suggestions, and so far the only action taken is to recommend residential parking zones.

#### **ADJOURNMENT**

**ACTION:** Motion to adjourn

Motion made by Commissioner Crouch, seconded by Chairman Rouse

Voting Yea: Chairman Rouse, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

The meeting adjourned at 7:40 PM.