

# CAROLINA BEACH

Planning and Zoning Meeting

Thursday, December 10, 2020 – 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 Melanie Boswell

Commissioner John Ittu

Commissioner Ethan Crouch

Commissioner Todd Piper

### ALSO PRESENT

Planning Director Jeremy Hardison

Senior Planner Miles Murphy

### APPROVAL OF MINUTES

Approval of Meeting Minutes from November 12, 2020

**ACTION:** Motion to accept the minutes

Motion made by Commissioner Hogan, Seconded by Vice Chairman Rouse

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

*Motion passed unanimously*

### STAFF REPORT ON RECENT COUNCIL MEETINGS

Town Council and Other Updates

- Conditional Use Permit for 5-Unit Planned Unit Development at 216 Spartanburg Avenue – Approved 5-0
- Text Amendment for Multifamily and Planned Unit Development Update – Approved 5-0
- CAMA Oceanfront Setbacks – January Workshop
- Road Improvements – January Workshop
- Conditional Zoning – February Workshop

### STAFF REPORT ON RECENT DEVELOPMENTS

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

## Permitting

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

## Code Enforcement

- 6 complaints received
- 4 resolved

## Complete Demos

- 235 Florida Avenue
- 403 Risley Road
- 522 North 7<sup>th</sup> Street
- 505 Lewis Drive

## Demo Permits to be Issued

- 101 Cape Fear Boulevard
- 210 Cape Fear Boulevard
- 206 Alabama Avenue
- 206 Carolina Beach Avenue South
- 1618 Snapper Lane

## New Business

- Benchmark Physical Therapy – 1018 North Lake Park Boulevard, Suite 103

## Trainings

- Building code – continuing education
- Zoning – UNC School of Government planning and development regulation
- CAMA – local permit officers workshop and new rule updates
- Flood – N.C. Association of Floodplain Managers chapter meeting and National Flood Insurance Program workshop
- Planning – UNC School of Government 160D &A

## Coming Up

- Text amendment: sign ordinance overhaul – TBD
- Text amendment: Chapter 160D – likely February
  - Definitions and board procedural requirements
  - Conflict of interest statements
  - Subdivisions and development agreements

## **PUBLIC DISCUSSION**

None

## DISCUSSION ITEMS

Consider a CUP for Amusement Ride Placements on Boardwalk Lots (PINs - 3130-54-2980, 3130-54-4836, 3130-55-4065, 3130-55-5014, 3130-54-5992, 3130-54-5877, 3130-54-5778, 3130-54-5870, and 3130-54-6839)

Chairman LeCompte said people would be sworn in just before they speak. She opened the evidentiary hearing.

Mr. Murphy presented the background and details.

Carolina Beach Land Holdings LLC plans to utilize multiple lots they own in the Boardwalk area to bring the amusement rides and vendors back to CB. The lots being utilized are the following:

- 100 Canal Drive PIN 3130-55-4065
- 8 Cape Fear Boulevard PIN 3130-55-5014
- 5 Carolina Beach Avenue South PIN 3130-54-5877
- 7 Carolina Beach Avenue South PIN 3130-54-5870
- 9 Carolina Beach Avenue South PIN 5150-54-5778
- 9 Cape Fear Boulevard PIN 5150-54-4836
- 1 Carolina Beach Avenue South PIN 5150-54-5992
- 3 Boardwalk PIN 5150-54-6839
- 101 Cape Fear Boulevard PIN 5150-54-2980

101 Cape Fear Boulevard is currently under different ownership, but CB Land Holdings is in the process of purchasing the property and has secured permission from the owner to utilize their land as part of this Conditional Use Permit (CUP) application. A demo permit is being issued for the removal of the current structure at 101 Cape Fear Boulevard as a precursor to this use and/or future development.

There are no setback, buffering, parking, or lot coverage requirements for the Central Business District (CBD) for this type of development.

Mr. Murphy went over the 7 specific standards and 4 general conditions that the project must meet.

Staff recommends the approval of the proposed CUP with the requirements that:

- An annual site visit with staff and vendor prior to placement of rides to have a complete understanding of the locations of all rides, concessions, ticket booths, ground covering materials, and work trailers.
- Requests for utilities must be coordinated with Town Operations and be located in areas which have access to existing utilities.
- Annual site layout will not infringe on any established Town right-of-ways.

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

Motion made by Chairman LeCompte

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

Commissioner Ittu, Commissioner Crouch, Commissioner Piper  
*Motion passed unanimously*

Ned Barnes of 814 Carolina Beach Avenue North, attorney for the applicant, said the applicant has operated rides at the Boardwalk for the past 10 years and looks forward to bringing back family-oriented entertainment. He said the applicant will comply with all state regulations, including inspections and insurance, and has agreed to all conditions proposed by the Town's Technical Review Committee (TRC). Mr. Barnes said the applicant is still in the process of selecting the amusements vendor but will meet with the Town about ride placement once this is done.

Commissioner Crouch asked for some clarification about the lots included in the proposal, and Mr. Murphy addressed this. Commissioner Crouch said it might be a good idea for the applicant to coordinate with Hurricane Alley's because there have been concerns in the past about the proximity of the rides to this business. Mr. Barnes said the applicant and vendor will be more than happy to work with businesses in the Boardwalk area.

Greg Reynolds of 709 Canal Drive, architect for the applicant, took questions from Vice Chairman Rouse about concessions the vendor will offer. Vice Chairman Rouse said many small businesses are struggling due to the COVID-19 pandemic and he does not want to see food items sold that will compete directly with existing restaurants on the Boardwalk. Mr. Reynolds said the applicant is willing to work on concerns and wants to be a good neighbor, and he thinks the new vendor will offer an opportunity for more give and take. Vice Chairman Rouse asked for sensitivity and consideration to the competition element because he thinks that's the main factor that would cause public pushback to the proposal.

Commissioner Piper asked why the applicant was seeking a new vendor and if there will be more than one. Applicant Matt Murphy of 1202 Lake Park Boulevard said there is no specific vendor in mind right now and that there could be more than one, although typically it's only one. He said the previous vendor may have taken a hit during the COVID-19 pandemic and may not be available. Commissioner Piper said he also had the same concerns as Vice Chairman Rouse regarding competition with concessions. Mr. Murphy said he prefers not to limit vendors too much because they are also trying to make a living, but he will keep that in mind.

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

Motion made by Chairman LeCompte

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

*Motion passed unanimously*

Vice Chairman Rouse said he doesn't have a problem with granting the CUP because a lot of people want to see the rides return and it is a big draw for a tourist destination.

Commissioner Ittu said he is not aware of any major concerns regarding the rides in the past and he thinks family-focused entertainment makes the Town a nice attraction.

Commissioner Piper said he wants to see the rides return because they are a critical part of the Boardwalk, but he wants to make sure the concessions vendor understands that the Town needs to also take care of its brick-and-mortar businesses.

Commissioner Hogan said he agrees that the rides are a great addition to the Boardwalk and thinks they differentiate Carolina Beach from other beach towns. He said overall the rides bring increased traffic to local businesses.

Commissioner Crouch said he agrees with the sentiment of others about the benefits of having the rides. He asked why the CUP is necessary. Mr. Murphy said amusements have always been a conditional use in the CBD and that the previous CUP had expired.

Commissioner Boswell said she also agreed with everyone and thinks the rides bring traffic to Boardwalk businesses. She said she liked that the previous vendor had workers who also owned the rides they were operating and this made people feel more secure, so she hopes the next vendor will be as reputable.

Chairman LeCompte said there is significant support on social media for family-oriented entertainment and she thinks the rides have been a great contribution to the community. She thanked the applicant for wanting to bring them back.

**ACTION:** Motion to approve the CUP, that it is in accordance with the draft grant order and that the applicant shall provide:

- An annual site visit with staff and vendor prior to placement of rides to have a complete understanding of the locations of all rides, concessions, ticket booths, ground covering materials, and work trailers.
- Requests for utilities must be coordinated with Town of Carolina Beach Operations and be located in areas which have access to existing utilities.
- Annual site layout will not infringe on any established Town of Carolina Beach right-of-ways and that it otherwise meets the 7 specific standards and the 4 general conditions, if developed according to the plan as submitted and approved.

Motion made by Vice Chairman Rouse

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

*Motion passed unanimously*

## **NON-AGENDA ITEMS**

Commissioner Boswell asked about the status of the previous discussion about boarding houses. Mr. Hardison said Town Attorney Noel Fox is looking into the issue to determine which avenue is the most appropriate for tackling the problem. He said initial discussions indicate it is more of a police issue than zoning. Commissioner Boswell asked how the specific structure in question at the last meeting was able to operate when a boarding house is not allowed in the R-3 district. Mr. Hardison said the zoning ordinance does not mention boarding houses, but this is not pertinent because the structure in question is operating as a single-family home and is not in violation as long as it doesn't exceed the number of unrelated people permitted to live in the household. He said previous inspections of the

property indicated the home was not breaking this rule and no one has presented any evidence to the contrary. Commissioner Boswell asked if anyone has reached out to the property owner. Mr. Hardison said yes and that he has indicated that the tenants who were causing most of the problems no longer live there. Mr. Hardison also said the owner mentioned he is going to put the house on the market. Commissioner Boswell said she does not want the matter to be forgotten and wants to do something to ensure it doesn't happen at other properties. Mr. Hardison said he will bring a report to the next meeting.

**ADJOURNMENT**

**ACTION:** Motion to adjourn

Motion made by Chairman LeCompte, Seconded by Vice Chairman Rouse

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

*Motion passed unanimously*

The meeting adjourned at 7:15 PM.