

# CAROLINA BEACH

Planning and Zoning Commission Meeting Minutes  
Thursday, October 8, 2020 @ 6:30 PM  
Council Chambers  
1121 North Lake Park Boulevard  
Carolina Beach, NC 28428

## CALL TO ORDER

Vice Chairman LeCompte called the meeting to order at 6:30 PM.

PRESENT: P&Z Vice Chairman Deb LeCompte, P&Z Commissioner Melanie Boswell, P&Z Commissioner Ethan Crouch, P&Z Commissioner Jeff Hogan, P&Z Commissioner John Ittu, P&Z Commissioner Todd Piper, and P&Z Commissioner Wayne Rouse

ALSO PRESENT: Planning Director Jeremy Hardison and Planner Miles Murphy

Vice Chairman LeCompte welcomed new Commissioners Piper and Crouch.

## APPROVAL OF MINUTES

1. Approval of Meeting Minutes from September 10, 2020

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

Motion: Commissioner Rouse

Second: Commissioner Ittu

Vote: UNANIMOUS

Vice Chairman LeCompte opened the floor to nominations for Chairman and Vice Chairman.

**ACTION:** Motion to nominate Vice Chairman LeCompte as Chairman

Motion: Commissioner Rouse

Second: Commissioner Boswell

Vote: UNANIMOUS

**ACTION:** Motion to nominate Commissioner Rouse as Vice Chairman

Motion: Commissioner Boswell

Second: Commissioner Hogan

Vote: UNANIMOUS

## STAFF REPORT ON RECENT COUNCIL MEETINGS

Town Council and Other Updates

- Still seeing significant tidal flooding as a result of the king tides
- Phase 3 – Staff is working with business owners
- Working with City of Wilmington and New Hanover County on workforce housing assessment

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

#### Permitting

- 33 permits (renovation, repair, grading, additions, fence)
- 4 residential new construction
- 12 certificates of occupancy

#### Code Enforcement

- 13 complaints received
- 8 resolved

#### Demolition

- 505 Lewis Drive
- 109 Cape Fear Boulevard
- 404 North 7<sup>th</sup> Street
- 308 Carolina Beach Avenue North
- 300 Goldsboro Avenue
- 3 Carolina Beach Avenue South

#### New Business

- Island Massage (potential relocation)

#### Coming Up

- Text amendment: sign ordinance overhaul
- Text amendment: road improvement standards
- No-parking language
- Bike/pedestrian recommendations
- Conditional Use Permit for a 5-unit Planned Unit Development at 216 Spartanburg Avenue

#### **PUBLIC DISCUSSION**

None

#### **DISCUSSION ITEMS**

2. Consider a Conditional Use Permit for an 8-Unit Residential Multi-family Building to be located at 202 S. Carolina Beach Avenue (PIN -3130-54-2234)

Applicant: Too Construction Inc

The following individuals were sworn in: Mr. Hardison, Mr. Murphy, Ned Barnes, and Chad Shingleton.

Chairman LeCompte: Mr. Hardison?

Mr. Hardison: Thank you, Chairwoman, Commission. This is a Conditional Use Permit for an 8-Unit Multi-family Building located at 202 Carolina Beach Avenue South. That will be one building consisting of eight units. It's currently two lots sitting here that are vacant. That's on Carolina Beach Avenue South, and also there's a through lot that also backs up to Woody Hewett. It's zoned T-1, and the surrounding properties are zoned T-1 as well. It's surrounded by adjacent to

the Central Business District on Harper and also, excuse me, on Hamlet, and Mixed Use district on Lake Park Boulevard. Multi-family is permitted with a Conditional Use Permit in T-1. T-1 standards, it also allows for single-family, multi-family duplexes, hotels, motels, and smaller businesses. The height limit is 50 feet. The front setback is 20. The rear is 10. Seven and a half all sides. The density requirement is 29 units per acre, and 40 percent lot coverage are the requirements for T-1 zoning district. Here again, this is a picture of the property. Adjacent uses is a 24-unit oceanfront multi-family building. Across the street on Carolina Beach Avenue South off of Woody Hewett, there is a couple single-family homes and a vacant lot. Adjacent properties, to the north is a duplex. On the south is a single-family and then also multi-family building as well. Here is a site plan of the property. You have to have, the applicant has to provide that he meets seven specific standards. One is ingress and egress to the property with a safety pedestrian/automotive. Access, ingress and egress will remain for Carolina Beach Avenue South and Woody Hewett proposing the driveways to the property. The design will accommodate parking for the entire structure. The staff is proposing a 4-foot sidewalk to be installed along Carolina Beach Avenue South. There is an existing sidewalk on the west side, but it does stop at the applicant's property, so we're requesting that a sidewalk be, the sidewalk be extended. The second specific standard is off-street parking. All units are proposed to be three bedrooms, and that would require 20 parking spaces for the project. The refuse and service area, trash will be collected through rollouts like any other residential unit. There's no upgrades proposed or needed for the utilities. There's water and sewer lines in front of the buildings. They will be responsible for the laterals going to and service the project. A 10-foot landscape buffer is required. Once you get it over six units, the landscape buffer increases from a 5-foot to a 10-foot, so even though that the standard setback from the property line is seven and a half there, because the number of units it does increase the buffer zone. So the applicant is meeting the buffer requirements of 10 foot. No signs are being proposed at this moment that we have seen or the applicant is asking for, and maximum lot coverage is 40 percent. Proposed building is at 36 percent. The design of the building, all units will meet a two-hour firewall separation requirement, and a building will have, will also be sprinklered. And again, for the density, with 29 units per acre, if with a 13,750-square-foot lot, the breakdown would could have nine units. He's proposing eight units. There's four general conditions also that you have before you that with the Land Use Plan, the desired future land use of this area includes against residential or commercial area. The district serves as a transition and buffer area for more intense and dense uses of the oceanfront and multi-family, the CBD before you get to your residential areas. Staff recommends approval of the Conditional Use Permit with the requirement of a 4-foot-wide sidewalk on South Lake Park Boulevard. I'm sorry, Carolina Beach Avenue South. The, on Woody Hewett there's not existing sidewalks, so staff did not feel that there was a need for a sidewalk with this project. I'll answer any questions that you may have.

Chairman LeCompte: Do we have any questions for Jeremy? OK. At this time, then I'll make a motion to open the public hearing. Mr. Barnes?

Mr. Barnes: Madam Chairman, congratulations.

Chairman LeCompte: Thank you.

Mr. Barnes: Again, as I said anytime, I don't need to rehash everything. Jeremy did an excellent job going over the specific points. Ingress and egress, one of the few projects where we have ingress and egress both off of Carolina Beach Avenue South and Woody Hewett. With the

properties, there will be no off-street parking. There's sufficient parking under the units to accommodate all the requirements that the Town has for parking on-site. As Jeremy indicated, it's zoned where nine units could be built. In this case, we're actually building eight units, not nine. The side setbacks, we're changing the side setbacks. We're exceeding on the lot the maximum lot coverage that that is provided for. In exceeding open space, that's provided. Refuse will be like any other refuse of a residential unit. As he indicated, there will be no signage. Our contention is that it certainly without question is in harmony with the remaining properties, with the other properties adjacent to it. They're all residential. Again, these are going to be upscale units. They'll be three bedroom. Each unit serves by an elevator. They have no issue at all with installing the sidewalk as requested by the Town. And we'll be glad to address any questions. Chad Shingleton is here if you have specific questions about the project for him.

Chairman LeCompte: OK. Any questions for Mr. Barnes or the applicant?

Commissioner Crouch: I have one minor question. I didn't see, what was the building height proposed?

Mr. Barnes: The building height?

Mr. Shingleton: Well, the maximum allowed is 50 feet. We're gonna be 48. We're gonna be right at that maximum.

Commissioner Crouch: But no higher?

Mr. Barnes: It'll be below.

Mr. Shingleton: Yes, it will be below, sorry.

Vice Chairman Rouse: Good question.

Chairman LeCompte: Any other questions? All right, so we'll close, make a motion to close the public hearing.

Vice Chairman Rouse: Second.

Chairman LeCompte: All in favor?

**Commission: Aye (motion passed unanimously).**

Chairman LeCompte: So any discussion? Mr. Ittu?

Commissioner Ittu: No, I really, it seems pretty cut and dry. It met all the standards, and it fits right in with the neighborhood that's there. It looks like, I'm no expert on design, but it looks like it's pretty well laid out and all the requirements are met, so I would support it.

Chairman LeCompte: OK. Mr. Rouse?

Vice Chairman Rouse: I would also support, I will also support it. Staff's recommending it. It seems to meet the specific and general requirements not trying, not asking for anything. I guess the only reason we're here is because a CUP is required for the number of units, and it's actually going below, what he could build, they could build. So I would be supportive.

Chairman LeCompte: Commissioner Boswell?

Commissioner Boswell: No, I mean they, usually when we have one come before us here it's like you didn't meet the landscape buffer or they're not willing to meet the sidewalk standards, so I would support it being that you have done what staff's recommending and you agreed to the sidewalk. So I will support it with the sidewalk there.

Commissioner Hogan: I agree with that as well. I'm just glad that you're willing to do the sidewalk because we definitely need more sidewalks in this Town, so we appreciate that very much.

Chairman LeCompte: Commissioner Piper, do you have anything you'd like to?

Commissioner Piper: It fits in with the surrounding neighborhood. I mean, it's pretty much in line with what's adjacent and across the street.

Chairman LeCompte: Your microphone.

Commissioner Piper: It fits in line with what's adjacent and what's across the street, so I don't see any reason that it shouldn't move forward.

Chairman LeCompte: OK. All right. Commissioner Crouch? Do you have anything else?

Commissioner Crouch: No, I'm happy to see the landscape buffer requirements being met and the height restrictions being met.

Chairman LeCompte: OK. Anyone entertain a motion?

Vice Chairman Rouse: I will if you'll pop something up there for me, Jeremy.

Mr. Hardison: All right.

Vice Chairman Rouse: I'll make a motion that we approve the CUP, that it is in accordance with the draft grant order and that the applicant shall provide a 4-foot-wide sidewalk on the side of the drive aisle along South Carolina Beach Avenue right-of-way and that it otherwise meets the seven specific standards and four general conditions if developed according to the plan as submitted and approved.

Chairman LeCompte: All right. Second?

Commissioner Hogan: I second.

Chairman LeCompte: All in favor?

**Commission: Aye (motion passed unanimously).**

Mr. Hardison: Looks like we go on to November Town Council meeting.

3. Consider amending Chapter 40 to Sec. 40-72 & Sec. 40-548 to address floating homes

Mr. Hardison gave some background on the floating homes issue, which came about as the result of a barge with a home built on it docking at a local marina. This prompted scrutiny of the Town's current harbor and marina ordinance that defines a floating home as a house built on a floating platform without means of propulsion. The Town allows living aboard a boat inside a marina but not a floating home. The structure in question demonstrated propulsion via the use of two outboard motors. At the last meeting, the Commission directed staff to bring back a definition to close any potential loopholes with similar structures. The proposed definition, developed through researching the rules of other municipalities, is as follows: Floating structure means a barge-like structure that is not used as a means of transportation on water but which serves purposes or provides services typically associated with a structure on or other improvement to real property used for human habitation or commerce. Incidental movement or the capability of movement upon water does not preclude a structure from classification as a floating structure. Registration of the structure as a vessel in accordance with NCGS Chapter 75A does not preclude a structure from classification as a floating structure.

Commissioner Hogan said he likes how the definition has been tightened up and thinks it takes away the gray area that existed before.

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

Motion: Chairman LeCompte

Second: Vice Chairman Rouse

Vote: UNANIMOUS

No one requested to speak.

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

Motion: Chairman LeCompte

Second: Vice Chairman Rouse

Vote: UNANIMOUS

Vice Chairman Rouse asked whether a motion to adopt new language should include that current structures are grandfathered. Mr. Hardison said a zoning amendment that prohibits a certain land use automatically grandfathers any current land use as long as it is not modified.

Commissioner Boswell said she thinks the new definition is much better than the previous one and doesn't see any problems with it.

**ACTION:** Motion whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that amending Articles 3 and 18 to prohibit floating structures in public trust waters and define water-oriented uses is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion: Commissioner Hogan  
Second: Chairman LeCompte  
Vote: UNANIMOUS

4. A Text Amendment to update Chapter 40 Zoning –related to Conditional Zoning and 160D updates

Applicant: Town of Carolina Beach

Town staff is currently updating many aspects of the zoning ordinance related to the required 160D update in the State Statutes. Part of this involves a change of Conditional Use Permits to conditional zoning. Town staff has also been directed to review all uses and determine whether they should remain a conditional zoning use or if they are not intensive enough of a use to merit the conditional zoning process. Town staff updated Chapter 40 to represent the shift from conditional use to special use/conditional zoning and reviewed the table. Town staff specifically conferred over what uses they believe had overly intense requirements and have compiled recommendations. One of the big focuses of this update is the drastically reduce the need for cumbersome quasi-judicial procedures while still providing sufficient review and control over potentially deleterious uses. Town staff has been directed that conditional zoning is the recommended approval process and supported in the 160D updates for North Carolina.

Mr. Murphy said the elimination of Conditional Use Permits and the accompanying quasi-judicial procedures would allow the Commission to consider nonexpert comments from members of the public. Chairman LeCompte said it is hard for residents to understand that the Commission can't consider comments from those who are impacted personally just because they are not experts in the field, so she thinks this is a better direction to go. Mr. Murphy said the standards for ex parte communication also disappear with the elimination of Conditional Use Permits.

Mr. Murphy reviewed the table of permissible uses, which outlined uses of land and whether they would be considered permitted (P), may be permitted with conditional zoning (C), or may be permitted by special use permit (S). Commissioner Piper said he had issues with day care uses being designated as P in R-1, R-2, and R-3 districts. Commissioner Boswell said she agreed. Mr. Murphy said this can be changed to C before this goes to Council. Commissioner Crouch said he thought the P designation for libraries in R-1, R-2, and R-3 districts could be problematic due to a high volume of traffic. Mr. Murphy said this also can be changed to C before this goes to Council.

**ACTION:** Motion to open the public hearing  
Motion: Chairman LeCompte  
Vote: UNANIMOUS

No one requested to speak.

**ACTION:** Motion to close the public hearing  
Motion: Chairman LeCompte  
Vote: UNANIMOUS

Mr. Hardison said the Commission may want to consider requiring a public meeting between developers and residents to iron out issues before projects come before the board.

Commissioner Boswell said she is in favor of this because it could eliminate problems that have been a factor in the past.

**ACTION:** Motion as whereas in accordance with the provisions of the North Carolina General Statutes, the Commission does hereby find and determine that the adoption of the following ordinance amendment to Chapter 40 Zoning with the addition of a public meeting requirement. This is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

Motion: Vice Chairman Rouse

Second: Commissioner Hogan

Vote: UNANIMOUS

5. Consider a Text Amendment to modify Article III -Residential PUDs and Multifamily uses  
Applicant: Town of Carolina Beach

Mr. Murphy said the vote on the previous item eliminated the need for this item to be heard.

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

Vice Chairman Rouse welcomed Commissioners Crouch and Piper and said he looks forward to working together. He also thanked former Commissioner Mike Hoffer and former Chairman Keith Bloemendaal for their service and wanted to take a moment to remember former Commissioner Jerry Kennedy, who passed away unexpectedly during his term a year ago.

Commissioner Crouch thanked everyone for the kind words and said he looks forward to working with everyone.

Chairman LeCompte thanked the board for electing her as Chairman and said she looks forward to serving.

#### **ADJOURNMENT**

Chairman LeCompte adjourned the meeting at 7:50 PM.