

CAROLINA BEACH

Planning and Zoning Meeting

Thursday, March 10, 2022 – 6:30 PM

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



AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. February 10th, 2022 – P&Z Minutes

STAFF REPORT ON RECENT COUNCIL MEETINGS

STAFF REPORT ON RECENT DEVELOPMENTS

PUBLIC DISCUSSION

DISCUSSION ITEMS

2. **Text Amendment** to amend Chapter 40, Sec. 40-487. Planning and Zoning Commission to amend the meeting time from 6:30pm to 6:00pm.
3. **Text Amendment** to amend Chapter 40, Sec. 40-494. Site Plan Supplemental information to require total daily water flow and sewer data on projects.

NON-AGENDA ITEMS

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Senior Planner

DEPARTMENT: Planning &
Development

MEETING: Planning & Zoning Commission – 3/10/2022

SUBJECT: February 10th, 2022 – P&Z Minutes

Action:

Approve the February 10th, 2022 Minutes

CAROLINA BEACH

Planning and Zoning Commission Meeting

Thursday, February 10, 2022 - 6:30 PM

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



MINUTES

CALL TO ORDER

Vice Chairman Rouse called the meeting to order at 6:30 PM. He welcomed newly appointed Commissioner Lynn Conto.

PRESENT

Vice Chairman Wayne Rouse
Commissioner Jeff Hogan
Commissioner Melanie Boswell
Commissioner Ethan Crouch
Commissioner Todd Piper
Commissioner Bill Carew
Commissioner Lynn Conto

ALSO PRESENT

Planning Director Jeremy Hardison
Senior Planner Gloria Abbotts

APPROVAL OF MINUTES

1. December 9, 2021 – P&Z Minutes

ACTION: Motion to approve the minutes as written

Motion made by Commissioner Hogan, Seconded by Commissioner Boswell

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

Motion passed unanimously

ITEMS OF BUSINESS

2. Appoint a Chairman of the Planning and Zoning Commission

Vice Chairman Rouse said because former Chairman Deb LeCompte had recently been appointed to Town Council, there is now an opening for Chairman, so he asked if there were any nominations.

ACTION: Motion to nominate Wayne Rouse

Motion made by Commissioner Piper, Seconded by Commissioner Boswell

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

Commissioner Piper, Commissioner Carew, Commissioner Conto
Motion passed unanimously

Chairman Rouse said this would now create a vacancy for Vice Chairman, so he asked if there were any nominations.

ACTION: Motion to nominate Jeff Hogan

Motion made by Commissioner Piper, Seconded by Commissioner Conto

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

Motion passed unanimously

STAFF REPORT ON RECENT DEVELOPMENTS

Ms. Abbotts reported the following statistics for the past 2 months:

Permitting

- 55 permits (renovation, repair, grading, additions, fence)
- 24 residential new construction
- 24 Certificates of Occupancy

Code Enforcement

- 36 complaints received
- 35 resolved

Town Council and Other Updates

- 406, 408, 410 Canal Drive, 9 townhomes – approved
- 905 Basin Road, 8 townhomes – approved
- Conditional Use Permit, Bryant Real Estate laundry and offices – near completion

Demos

- 707 Canal Drive – Coastal Area Management Act (CAMA) permit issued for redevelopment
- 308 Carolina Beach Avenue North – redevelopment mixed use
- 503 Greenville Avenue
- 1322 Bowfin Lane

New Businesses

- Four Hounds Distillery – 1202 North Lake Park Boulevard (applied for expansion)
- The Cabinet Place – 1311 Bridge Barrier Road

Coming Up

- 109 Cape Fear Boulevard – applied for foundation permit
- North Pier Ocean Villas – in bankruptcy court and will go to auction in early April

PUBLIC DISCUSSION

None

DISCUSSION ITEMS

3. Text Amendment – to amend:

- 1) Chapter 40 Sec 40-70 & 72, add multi-family uses to the Neighborhood Business (NB) zoning district with reduced setbacks
- 2) Chapter 40 Sec 40-74, increase the density in Neighborhood Business (NB) zoning district
- 3) Chapter 40 Sec 40-72, allow parking areas serving the use to be located in a different zoning district

Applicant: Hamby Beach Properties LLC

The applicant is requesting the amendment to redevelop property that he owns in NB. If the text amendment is approved as proposed, the redevelopment could consist of multi-family uses with a maximum density of 32 residential units and reduced front-yard setbacks, and it would allow parking/loading areas to occur on non-contiguous lots in a different zoning district.

NB is located in 2 different sections of the Town: 1) on the west side of South Lake Park Boulevard between the lake and the Carolina Sands neighborhood and 2) on the corner of Carolina Beach Avenue North and Sandpiper Lane where The Kupboard Grocery historically has been located. The purpose of NB is to accommodate and provide for the development of small, pedestrian-oriented shopping and service activities providing necessity goods and personal services to the immediate neighborhood. This district also provides for single-family detached homes and related residential uses. Such districts should be located at the intersection of a major street or collector roads. Uses in NB should have architecture and site layouts that are compatible with nearby residential structures and uses. The intent of the district is to discourage any use that, because of its character, would not be in harmony with the residential community or that would be detrimental to the surrounding residential uses. The proposed amendment is limited to NB. It would not impact the entire Town but would affect all properties within that zoning district.

Zoning Analysis of the Amendments

- 1) Chapter 40 Sec 40-70 & 72, add multi-family uses to NB with reduced setbacks

The proposed amendment would allow two-family dwellings (duplex) and multi-family dwellings in NB. Current residential uses allowed in NB are single-family only. NB-allowed uses in the area between the lake and Carolina Sands were last evaluated by the Commission in 2006. To keep the existing residential areas intact, duplexes and multi-family residences were specifically prohibited while allowing the existing commercial uses to conform by providing goods and services to the immediate neighborhood. There are 26 properties in this area that consist of commercial uses such as retail, laundromat, auto repair, office, convenience store, and 3 restaurants. The residential uses consist of 14 single-family homes and one duplex that is non-conforming but could be rebuilt per the non-conforming ordinance. The other area of Town that is zoned NB is one property on the corner of

Sandpiper Lane and Carolina Beach Avenue North that consists of one building that contains a convenience store and coffee shop with 3 attached residential units and a detached single-family dwelling.

The application also proposes to reduce the required front-yard setback from 20 feet to 10 feet for multi-family projects. The minimum outside of the Central Business District (CBD) is a 20-foot front-yard setback in all other zones except for the multi-family (MF) zoning district, which is 10 feet. The reason MF has a reduced setback from other zones is it is located oceanfront and the properties have a limited building footprint because of the oceanfront setback restrictions in this area. The purpose of the front setback is to have an abutting street line from traffic and manage congestion while creating open space.

2) Chapter 40 Sec 40-74, increase the density in NB

The current density in NB is 8.7 units per acre. This would allow a unit for every 5,000 square feet. The minimum lot size in NB is 5,000 square feet; therefore, it would only allow a single-family dwelling per lot. The applicant is proposing to increase the density to 76 units per acre with a cap of 32 units per lot. Based on a 5,000-square-foot lot, this would yield 9 units, but to qualify for the density the proposal is for lots over 15,000 square feet. The properties in this area are mostly individual 50-foot lots with a few exceptions. The proposal would allow 4 units per lot permitted by right (staff-approved), and over 4 units would be approved through Conditional Zoning (CZ) (Town Council approval).

3) Chapter 40 Sec 40-723, allow parking areas serving the use to be located in a different zoning district

The applicant is proposing to allow by CZ parking lots that are non-contiguous and located in a different zoning district up to 200 feet from the use in NB. Currently parking and loading areas serving uses in the same zoning district on non-contiguous lots are allowed with the CZ approval. The CBD would allow this by right because of the nature of the Boardwalk but would be limited to parking areas within the CBD. The ordinance only allows parking lots located in the same district that are associated with the use they are serving so impacts from that particular use are located with the district that allows for that specific use.

Land Use Plan

The Land Use Plan has NB classified as High Density Residential/Light Commercial. Future characteristics of the area are multi-story residential units located within walking distance of activity centers with some commercial and single-family structures. An identified concern in the plan was to only increase density above the existing standards if it also maintains the quality of life and environment.

The plan also speaks to the area to enhance the function of Lake Park Boulevard. The placement of structures in regards to setbacks on the lot may give more options and flexibility to provide improvements to the corridor of Lake Park Boulevard.

Recommendation

Multi-family and Density

The proposal is to add multi-family structures and increase the density to 76 units per acre in NB. The Land Use Plan does identify this area as high-density similar to the T-1 zoning district that carries a density requirement of 29 units per acre. If the Commission would like to change the density requirement, staff recommends not to exceed the T-1 district standards of 29 units per acre versus 76 units per acre. Staff's recommendation at this time is to not increase the density in this area with the overall trend of development upwards and the existing areas that multi-family structures are currently allowed until adequate infrastructure is in place. For potential upcoming development trends, the Town would like to be able to meet future water supply needs for the entire Town. The Town is in the planning process of upgrading its water storage, but presently the Town is challenged during consecutive peak days in the summer season. Similar to most utility providers serving vacation destinations, the water demand is noticeably seasonal and often comes with challenges. The water supply and storage must be geared towards satisfying consecutive peak-day demands experienced over Memorial Day weekend, the July Fourth holiday, Labor Day weekend, and other summer periods. While the Town can absorb the already increased demand, staff does not recommend increasing density until the infrastructure can be upgraded (approximately 24 months). Once the infrastructure is in place, staff's recommendation is that the Town can then revisit density calculations.

Reduced Setbacks Along Lake Park Boulevard

Staff is not against the concept of moving buildings closer to the street to develop an active streetscape while moving the parking to the rear of the building. This would have the potential to enhance functionality and appearance of Lake Park Boulevard by eliminating driveway cuts off Lake Park Boulevard by accessing properties off side roads and allowing upgraded pedestrian facilities as depicted in the Land Use Plan.

Parking Areas Serving the Use to Be Located in a Different Zoning District

Staff does not recommend amending the ordinance to allow parking lots serving uses in different zoning districts. This would cause conflicts between uses that are not allowed in different zoning districts, especially between commercial uses and their associated parking in residential-zoned areas.

Mr. Hardison presented the details.

Attorney Matt Nichols, representing the applicant, said the applicant plans to renovate and keep the laundromat and SCUBA shop that are currently on the site. He said the applicant is not asking the Commission to consider a specific project but rather just a way to allow for presenting a project via a CZ request.

ACTION: Motion to open the public hearing

Motion made by Chairman Rouse, Seconded by Commissioner Boswell

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

Motion passed unanimously

Bob Stewart of 104 Sumter Avenue offered congratulations to the new Chairman and Vice Chairman. He said the previous presentation didn't mention any of the residential areas behind the property being discussed. Mr. Stewart said he lives in the house directly behind the laundromat and believes because it's a 24-hour operation, there is a safety issue. He said in the past 4 years there have been 3 drug overdoses there, and it's often a refuge for homeless people. He said the laundromat should be supervised with restricted hours.

Phillip Smith of 210 Lake Drive asked if the Commission was going to discuss parking as related to this project. Chairman Rouse said it will be part of the third item. Mr. Smith said the flavor of the island is disappearing when old buildings are torn down.

John Jakub of 801 South Lake Park Boulevard said he lives across the street from the proposed development. He said talking about this project may be premature. Mr. Jakub questioned why the Town would pass changes to the ordinance now when the main issue is not coming up for a couple of years. He said he is concerned about stormwater/flooding and traffic issues. Mr. Jakub asked the Commission to take no action at this time on any of the 3 items.

Mikaela Curry of 613 Carolina Beach Avenue South said the wetlands must be considered. She said there is standing water in and around this area, and increasing density would exacerbate the problems. Ms. Curry said rising sea levels are a big problem in our state, and the Town has the unique opportunity to preserve a stormwater service already provided by nature. She asked the Commission to preserve the neighborhood the way it is and keep this project from moving further.

Robert Smith of 808 Carolina Beach Avenue South said he and his wife also own the property at 809 South Lake Park Boulevard. He said his concern is that adding multiple families to NB will open up a can of worms down the road and prompt other properties in the district to be bulldozed and become multi-family. Mr. Smith said he is worried about traffic and water issues.

Mikaela Curry of 613 Carolina Beach Avenue South gave the Commission a petition with the signatures of 500 people asking the Town to reject any proposed variances and zoning changes for this potential project and any other projects in the area adjacent to the lake wetlands until further study.

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 Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

Motion passed unanimously

Commissioner Boswell asked what can be done by right on the laundromat lot. Mr. Hardison said this could be subdivided into 3 lots for 3 single-family homes, or it could be office, retail, or a restaurant.

Vice Chairman Hogan said he is torn and wants to hear others' thoughts.

Commissioner Conto said she has a hard time separating density from the current discussion of item 1. She said she is not opposed to multi-family issues in that area.

Commissioner Crouch said the Town has recently permitted various multi-family projects that will result in population increases, so he is sensitive to concerns about water capacity issues.

Commissioner Boswell said the Town should get its infrastructure, including water capacity, in place first before changing zoning from single-family to multi-family or even two-family. She said the Town is not ready for this, and if staff is recommending a delay then that really concerns her.

Commissioner Carew asked if this goes to multi-family, how many units per acre there would be. Mr. Hardison said item 1 would result in a maximum of 8.7 units per acre. Commissioner Carew asked if there are water supply concerns at that level. Mr. Hardison said no.

Chairman Rouse said he has the same density concerns as others. He said the zoning is now catching up with the Land Use Plan, so he has no problem with the concept of multi-family in NB independent of any density considerations. Chairman Rouse said he is in favor of item 1 because it's very limited in scope.

ACTION: Motion that whereas in accordance with the provisions of the North Carolina General Statute, the Commission does hereby find and determine that the adoption of the following ordinance amendment to Chapter 40 Section 40-70 and 72 to allow for two-family dwellings and multi-family dwellings in NB is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion made by Vice Chairman Hogan, Seconded by Commissioner Carew

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

Voting Nay: Commissioner Boswell, Commissioner Crouch

Motion passed 5-2

Mr. Hardison said now that multi-family is recommended to be allowed, the next item considers what the appropriate density is for NB. He showed a chart of what could be done in terms of units per site with different increased density calculations on various properties in the area.

Commissioner Piper asked if residential units are above commercial units whether the commercial use offsets the number of residential units allowed. Mr. Hardison said normally a unit is a unit. He said if Council approves multi-family in NB, it doesn't have to have commercial associated with it.

Mr. Nichols spoke to the Commission about item 2. He said the applicant's intent is to do commercial on the ground floor, and residential on top would help support this. Mr. Nichols said anything over 4 units on this property would become a CZ request with many steps and considerations, which is a big safeguard against any major changes. He said the applicant has asked for a big number on paper in terms of density just to get the conversation started, so he asked the Commission to consider anything that is higher than the 8.7 units per acre allowed now. Mr. Nichols said the applicant wants to have enough units to make the commercial component work, so it comes down to what makes sense. He said the applicant welcomes a cap and is proposing 32 units per acre.

Commissioner Crouch asked if the text amendment can be modified to be less than 76 units per acre. Mr. Hardison said the Commission can recommend a lower number.

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 Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

Motion passed unanimously

John Jakub of 801 South Lake Park Boulevard said the density should remain as it is. He cited the staff recommendation of delaying any density changes until infrastructure can be upgraded within the next 24 months. He said there are many cottages and other small single-family homes in the area, so this proposal is not keeping with the existing uses. Mr. Jakub said he doesn't understand why the Town is considering rezoning an entire area at the request of one applicant for one site. He said more information and seeing what the future brings are necessary measures before making any changes.

Bob Stewart of 104 Sumter Avenue said it would be better to consider changes when there are specific plans with realistic numbers for a proposal that could be voted up or down. He said people have a right to develop their property not only in a way that benefits them but also as a responsibility to the community. Mr. Stewart said he doesn't think this project meets the latter mark. He said it's difficult to discuss this proposal in parts when it's focused totally on the laundromat site. He said he hopes somebody will make a recommendation to stay with the current maximum density of 8.7 units per acre and revisit the issue in 2 years if infrastructure allows.

Robert Smith of 808 Carolina Beach Avenue South said the Commission needs to envision what a change in density is going to impact in the future. He said he encourages the Commission to delay any changes and maintain the current density level.

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 Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

Motion passed unanimously

Commissioner Carew said he agrees that the Town's water system is already stretched. He said this proposal to change density may be putting the cart before the horse.

Commissioner Piper said he looks to staff or other professionals on this matter. He said the water system is stretched and asked if there is an average usage of water projected going forward next year. Mr. Hardison said this will be discussed with the Town Engineer next week. Commissioner Piper said the area has major stormwater issues, so he doesn't think increasing density is a good idea.

Vice Chairman Hogan said he doesn't think stretching the water system is a good idea right now. He said he also looks to professionals for guidance and doesn't think it's the Commission's job to come back with a specific density number, so he's not in favor of any increase.

Commissioner Conto said she agrees with the stormwater concerns and also thinks the impact on congestion and traffic on Lake Park Boulevard will not be good for the community.

Commissioner Crouch said he concurs with the other Commissioners and most importantly staff. He said he's not in a position to come up with a recommended density number and thinks that's the applicant's burden.

Commissioner Boswell said the Town needs to get infrastructure in place first and then revisit density. She said stormwater/flooding is an issue in that area during any heavy rainfall, so she can't support increasing density. Commissioner Boswell said Commissioners are not experts, so she doesn't think the Commission can recommend any number beyond the current level.

Chairman Rouse said 17 units per acre is the maximum density level for Mixed Use, which is the figure the Land Use Plan envisions mirroring for NB. He said he is open to anything from 8.7 units per acre to 17 units per acre. Mr. Hardison said if you look at per-lot regulations at the current density, it would only allow one single-family home per lot, and there would need to be two lots to have a two-family home. Chairman Rouse said in that case, he would be in favor of keeping the density at 8.7 units per acre and thinks that's reasonable and keeping with what was visualized with the Land Use Plan.

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

Motion made by Vice Chairman Hogan, Seconded by Chairman Rouse

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

Motion passed unanimously

Mr. Hardison said the next item addresses parking and how it's oriented from the principal use. He said the proposed amendment is to allow for parking and loading areas serving uses in the same or different zoning districts on non-contiguous lots within 200 feet from the principal use.

Mr. Hardison said the purpose of zoning is to reduce conflicts between residential and commercial areas and protect the character and stability of residential neighborhoods. He said staff's concern is commercial activity with parking in residential districts. Mr. Hardison said staff would not be opposed to allowing parking in non-residential zones.

ACTION: Motion to open the public hearing

Motion made by Chairman Rouse, Seconded by Commissioner Boswell

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

Motion passed unanimously

Mr. Nichols said the applicant's intent was not to put commercial parking on a residential lot. He said that lot was intended to be parking for the residential component of the proposed project. Mr. Nichols said the idea was to have a separate lot for residents that doesn't include come-and-go traffic for the commercial uses.

Mr. Nichols also said that what the applicant is proposing would not allow anything to be done by right, but it would allow the applicant to ask for a CZ request for permission to do something on a specific property with a specific project on which the Town could put any number of conditions. He described it as a tool in the Town's toolbox to look at requests on a case-by-case basis.

Mr. Nichols said the Project Engineer had Southeast Wetlands Group do a wetlands assessment, which characterized the land as a low-functional wetland. He said the findings were that a lack of vegetative diversity provided little in terms of water quality improvements, habitat, or hydrological surface storage and retention. Mr. Nichols said any new development that meets stringent 2022 stormwater standards would not cause issues and attributed the problems to the development that was done before current modern standards.

Bob Stewart of 104 Sumter Avenue said those wetlands now being considered for a parking lot were zoned as non-buildable not too long ago. He said there is flooding in that area every time in rains, with standing water up to 2 feet deep and ducks swimming in yards. Mr. Stewart said this is a shocking situation that could leave doors open for developers to do this almost anywhere in Town, and he thinks the plan is ill-conceived.

Phillip Smith of 210 Lake Drive talked about ditches that feed the lake. He said years ago the lake was full of fish, and if the water is taken care of the lake will come back. Mr. Smith said it doesn't flood as bad as it did in the past. He said he can't imagine what the Town could do to build a parking lot in that area that's going to be able to absorb the water. Mr. Smith said in 35 years whatever is built is going to be 3 feet lower, citing a specific example of a neighboring property that had changed since 1981.

Mikaela Curry of 613 Carolina Beach Avenue South said the information she passed out earlier was more applicable to this particular point. She said she urges the Town not to make any changes. Ms. Curry cited her professional credentials and said she was speaking as an expert. She said there is

funding available to communities to deal with climate resiliency, and she would debate the idea that this is a low-functional wetland, but either way the Town would have the opportunity to apply for and possibly receive significant funding to think about how to utilize the remaining wetlands on the island. Ms. Curry said the Land Use Plan talks about biodiversity, which makes the area unique and special. She said there are steps that can be taken to make the wetlands more functional, so the area should not be turned into a parking lot. Ms. Curry said she urges the Commission to think long term and deny this request.

Robert Smith of 808 Carolina Beach Avenue South said in looking at the window to the future, he can see the negative impact this would have on all residential zones, including noise and wetlands concerns. He said he hopes the Commission will take staff's advice and deny the request.

John Jakub of 801 South Lake Park Boulevard said this request doesn't make sense. He said the proposal is all about redevelopment of the laundromat, but it's going to cover a lot of potential other properties. Mr. Jakub said he thinks things should be left alone.

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 Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

Motion passed unanimously

Commissioner Conto said she struggles logically and analytically with having parking for this project oriented like this. She said she can't see that it's in the Town's best interest to put parking in non-contiguous lots, even if it is another business district.

Commissioner Crouch said allowing parking in non-contiguous lots in the same or different zoning districts gives him a lot of heartburn.

Commissioner Boswell said the purpose of zoning is to protect health, welfare, and property values, so there is not one reason she would consider voting to approve this. She said it would open up all neighborhoods to having parking lots. Commissioner Boswell said at some point the Town should add protection of wetlands as part of the purpose of zoning protection. She said this request offers no benefit to Town residents or the future of the Town.

Commissioner Carew said this isn't something the Commission should consider at this point. He said parking spanning zoning districts makes no sense.

Commissioner Piper said he agrees with the others and thinks this is a no-brainer.

Vice Chairman Hogan said approving this could open a Pandora's box that could never be closed. He said he is against the request, especially going between different zoning districts. Vice Chairman Hogan said he's not in favor of opening up residential areas to parking.

Chairman Rouse said approval of this would open up a can of worms. He said the main issue with the request is not that the parking lots are non-contiguous but that they would be going between different zones.

ACTION: Motion to deny based on inconsistencies for how it relates with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents
 Motion made by Vice Chairman Hogan, Seconded by Commissioner Boswell
 Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto
Motion passed unanimously

Mr. Hardison said the next issue up for discussion is the second part of item 1. He said this amendment has to do with the location of the building on the property, also known as the setback. The current setback for NB is 20 feet, but the application is to reduce this to 10 feet. Mr. Hardison said reducing the front setback may provide some design innovation for the project and could offer some benefits to the Town, such as wider sidewalks and paths. He said studies have shown that when you allow buildings closer to the street, it reduces speeding within that corridor. Mr. Hardison said he thinks this is worth considering for NB.

Commissioner Piper brought up the proximity of high-tension power lines to the property. He said most municipalities bury their power, but the Town does not, so that limits construction because you can only get so close to the lines. Mr. Hardison also brought up emergency access concerns due to the power lines. Commissioner Piper said piecemeal development of this property would affect sight lines and not achieve the intended goal.

Commissioner Crouch asked if moving the building closer to the street would allow a larger building to be constructed. Mr. Hardison said this would just shift placement of it and not affect the size.

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 Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto
Motion passed unanimously

Mr. Nichols said the applicant thought the setback change would make for a nicer project and allow for some design elements that would be helpful. He said the point about power lines is valid and something he hadn't considered. Mr. Nichols said the power lines would limit how close the building could be, so the 10-foot setback would be a minimum that the applicant could work from to allow for a more interesting design.

Bob Stewart of 104 Sumter Avenue said 10 feet puts more cars in the parking lot and doesn't really help anything. He said he has heard comments that most municipalities are doing the opposite and

using larger setbacks so high buildings don't create a canyon for the road. He said he is asking the Commission to deny this request.

Phillip Smith of 210 Lake Drive said there are flooding issues in this area. He said if the building is moved, a large amount of dirt will have to be dumped, creating an unusual scenario. Mr. Smith said 10 feet will make a big difference during a hurricane.

Bob Stewart of 104 Sumter Avenue said because this is a State highway that floods, it might be prudent to ask for an opinion about setbacks from it. He said at some point the road may need sidewalks or to be widened, and a lot of things are possible. Mr. Stewart said it would be best to find out the State's responsibility to the Town or vice versa.

John Jakub of 801 South Lake Park Boulevard said this request could create a walled effect. He said it is taking a whole zone into account, not just one project, and if everything gets moved with high rises all along the way it could negatively affect the appearance of the area. He said from a personal perspective, he doesn't want a laundromat that is open 24 hours per day 10 feet closer to the front of his house.

Robert Smith of 808 Carolina Beach Avenue South said a closer setback could create a 50-foot canyon wall on either side of the street. He said many of the photos that showed 10-foot setbacks were on wider streets and expressed concerns about the Fire Department being hindered by power lines during 2 emergency situations in the past, so this could go against public safety.

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 Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

Motion passed unanimously

Vice Chairman Hogan said he can see this issue both ways and is in the middle. He said regulations for the power lines may make any changes unnecessary.

Commissioner Boswell said she doesn't think there is enough data to make the decision and worried about what could happen if lightning struck one of the transformer boxes with the power lines. She said she also has concerns about flooding, aesthetics, and safety.

Commissioner Crouch said he is torn because he likes parking in the rear of buildings, but he has concerns in terms of existing development and what this would do with some buildings moving forward and others not. He said the power lines are also a consideration.

Commissioner Conto asked if the Commission ever tables issues. Other Commissioners said there has to be a vote one way or the other. Commissioner Conto said she thinks the power lines are a big deal,

but she does see the benefits of having parking in the rear of the building because it would get traffic off Lake Park Boulevard. She said she hadn't thought about the tunnel effect until now.

Commissioner Crouch said this request might work better on wider sections of Lake Park Boulevard.

Commissioner Carew said he likes the idea of parking in the back with walkways in front, but he is worried about the power lines and the aesthetic effects of a 50-foot building coming that much closer to the roadway.

Vice Chairman Hogan asked if the Commission could change the setback to 15 feet instead of 10 feet. Mr. Hardison said yes, the Commission can recommend another number.

Commissioner Piper said the 10-foot setback in MF is a special circumstance. He said in NB it would have been great to establish this 20 years ago, but the ship has sailed because houses are already built.

Chairman Rouse asked what the setback is in the other NB area. Mr. Hardison said 20 feet. He said while there are some non-conforming buildings there that were constructed before there were setback regulations, any redevelopment in that area would have to have a 20-foot setback.

Chairman Rouse said he was not that concerned about the power lines because health and safety rules would dictate how close a structure could be to them. He said he likes the idea of the streetscape because it offers an opportunity for improvement, but he would want the smaller setback to be an option, not a requirement. Chairman Rouse said he encourages any Commissioner making a motion for the smaller setback requirement to add a requirement for a 4-foot sidewalk. He said because it's a State road, there is a fairly large right-of-way if lanes ever need to be added.

Commissioner Boswell asked for details about staff's recommendation. Mr. Hardison said staff likes the idea of a 10-foot setback because it allows opportunity, but he thinks the request could possibly be hashed out a little more. Commissioner Boswell said she would like more direction from the Town and additional research. She said changing the setback regulation would affect more than just this one project.

Commissioner Conto said maybe this is an idea before its time and the Town is too far ahead of it.

Chairman Rouse asked Mr. Hardison to explain what he meant when he said the request could possibly be hashed out a little more. Mr. Hardison said he thinks it needs a little more work if that's the direction the Commission wants to go. Chairman Rouse said if the request is denied now, the applicant can amend the request and present it to Council later.

Commissioner Crouch said he thinks this needs more language and clarification.

ACTION: Motion to deny based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents and ask for staff to provide more detail to Council about this when the applicant presents to Council next month

Motion made by Vice Chairman Hogan, Seconded by Commissioner Boswell

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

Motion passed unanimously

NON-AGENDA ITEMS

Commissioner Boswell said the Town may want to start looking at grants and other ways to facilitate protection of wetlands. She said it would be proactive for the Town to start doing the research to see what this effort would entail.

Chairman Rouse said staff should bring up infrastructure concerns, especially water capacity, every time there is a multi-family project proposed.

Vice Chairman Hogan congratulated new Chairman Rouse. Chairman Rouse congratulated new Vice Chairman Hogan.

Mr. Hardison asked Commissioners if they wanted to consider changing the time of their meeting to match a recent change to Council's meeting time. He said this would have to happen in the form of an ordinance change.

ACTION: Motion to direct staff to bring an ordinance back to change the meeting time for Planning and Zoning to 6:00 PM instead of 6:30 PM

Motion made by Commissioner Boswell, Seconded by Vice Chairman Hogan

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

Motion passed unanimously

ADJOURNMENT

ACTION: Motion to adjourn

Motion made by Commissioner Crouch, Seconded by Chairman Rouse

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

Motion passed unanimously

The meeting adjourned at 9:30 PM.



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Planning and
Development

MEETING: Planning & Zoning Commission – 10 MARCH 2022

SUBJECT: **Text Amendment** to amend Chapter 40, Sec. 40-487. Planning and Zoning Commission to amend the meeting time from 6:30pm to 6:00pm.

BACKGROUND:

Town Council recently changed their meeting time from 6:30pm to 6:00pm. Multiple Town Committees meet at 6:00pm, including the Board of Adjustment, Beautification Committee, Bike/Pedestrian Committee, and Centennial Committee. Planning and Zoning Commission's meeting time should be changed to 6:00pm to be consistent with Town Council and other Committees. The current zoning ordinance states that the Commission shall meet at 6:30pm on the second Thursday of each month. To change the meeting time a text amendment must be approved.

ACTION REQUESTED:

Consider the amendment and make a motion for recommendation or denial.

RECOMMENDED MOTION:

Approval – whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the following ordinance amendment to Chapter 40 Sec 487 to change the Planning and Zoning Commission meeting time is consistent with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents.

Denial – whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the denial of the following ordinance amendment to Chapter 40 Sec 487 to change the Planning and Zoning Commission meeting time is inconsistent with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents.

Sec. 40- 487. – Planning and Zoning Commission



ORDINANCE NO. 22-

Text Amendment: To amend the Chapter 40 Article XVI Sec. 40-487.

Sec. 40-487. Planning and Zoning Commission.

(e) *Planning and Zoning Commission administration.*

- (1) The commission shall adopt rules of procedures and regulations for the conduct of its affairs.
- (2) All meetings of the commission shall be open to the public. Regular monthly meetings shall be held on the second Thursday of each month at ~~6:30 p.m.~~ 6:00 p.m. in the council room of the Town hall.

(Code 1986, app. A, § 21.2; Ord. No. 00-463, 10-10-2000; Ord. No. 01-468, 1-9-2001; Ord. No. 02-501, 3-12-2002; Ord. No. 02-504, 5-14-2002; Ord. No. 06-652, 8-8-2006; Ord. No. 08-766, 11-10-2008; Ord. No. 09-776, 2-10-2009; Ord. No. 13-905, 1-8-2013; Ord. No. 21-1153, 6-8-2021)

Adopted this 12th day of April 2022.

Lynn Barbee, Mayor

Attest: _____

Kimberlee Ward, Town Clerk



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Sr Planner

DEPARTMENT: Planning and Development

MEETING: Planning & Zoning Commission – 10 MARCH 2022

SUBJECT: **Text Amendment** to amend Chapter 40, Sec. 40-494. Site Plan Supplemental information to require total daily water flow and sewer data on projects.

BACKGROUND:

Planning & Zoning recommended to amend the supplemental information to address concerns over both water quantity and quality, the Town is currently working with our Engineering Services for a path forward to satisfy future demand and water quality concerns. Presently the Town is challenged during consecutive peak days in the summer season. Similar to most utility providers serving vacation destinations, the water demand is noticeably seasonal and often comes with challenges. The water supply and storage must be geared towards satisfying consecutive peak day demands experienced over Memorial Day Weekend, the July 4th holiday, Labor Day Weekend, and other peak summer periods. The town capital improvements are a few years away before the added capacity will be coming online. Until that time it is important to evaluate what impact future projects have on the infrastructure supply. To accomplish this staff will require future projects to submit the total daily water flow usage and sewer design flow.

2020 CAMA Land Use Plan identified the Public Water Supply as an emerging concern. The plan states that protection of public water supply areas prevents damage to fresh water supplies which are vulnerable to sea-level rise and salt water intrusion. The town's public wells are being actively managed to preserve their capacity, and current consideration is being given to expanding public water supply through desalination.

ACTION REQUESTED:

Consider the amendment and make a motion for recommendation or denial.

RECOMMENDED MOTION:

Approval – whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the following ordinance amendment to Chapter

40 Sec 494 to Site Plan Supplemental information to require total daily water flow and sewer data on projects and it is consistent with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents.

Denial – whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the denial of the following ordinance amendment to Chapter 40 Sec 494 is inconsistent with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents.

ARTICLE XIII. ZONING AND SITE PLAN APPROVALS

ORDINANCE NO. 22-

Text Amendment: To amend the Chapter 40 Article XIII Sec. 40-394.

Sec. 40-487. Planning and Zoning Commission.

(e) *Planning and Zoning Commission administration.*

Sec. 40-394. Site plan.

- (a) *Preparation of plans by a licensed professional.* It is recommended that all site plans be prepared and certified by a licensed professional duly registered by the state (i.e., engineer, architect, or land surveyor), however, the following site plans shall always be prepared and certified by a licensed professional:
- (1) Conditional zoning.
 - (2) New commercial or industrial development.
 - (3) Change to a more intense use (i.e., increase in occupancy) for multifamily/commercial uses.
 - (4) New residential development with three or more units.
- (b) *Site plan criteria.* All site plans shall include the following:
- (1) The name, address, and phone number of the professional(s) responsible for preparing the plan if different than the applicant.
 - (2) Engineer's scale one inch equals 40 feet or larger.
 - (3) Title block or brief description of project including all proposed uses.
 - (4) Date.
 - (5) North arrow.
 - (6) Property and zoning boundaries.
 - (7) The square footage of the site.
 - (8) Lot coverage (buildings, decks, steps).
 - (9) Location of all existing and proposed structures and the setbacks from property lines of all affected structures to remain on-site.
 - (10) Design of driveways and parking/loading areas with parking spaces individually numbered in sequential order.
 - (11) Adjacent rights-of-way labeled with the street name and R/W width.
 - (12) Location of all existing and/or proposed easements.

- (c) *Supplemental information required.* Additional information or data as determined necessary by Town staff and/or other reviewing agencies, including, but not limited to, the following, may be required:
- (1) Location and design of refuse facilities.
 - (2) Approximate locations and sizes of all existing and proposed utilities.
 - (3) Existing and/or proposed fire hydrants (showing distances).
 - (4) Adjacent properties with owners information and approximate location of structures.
 - (5) Distances between all buildings.
 - (6) Number of stories and height of all structures.
 - (7) Locations of all entrances and exits to all structures.
 - (8) Calculate the gross floor area with each room labeled (i.e., kitchen, bedroom, bathroom).
 - (9) Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
 - (10) Location of flood zones and finished floor elevations.
 - (11) CAMA areas of environmental concern (AEC) and CAMA setbacks.
 - (12) Delineation of natural features and wetlands with existing and proposed topography with a maximum of two foot contour intervals.
 - (13) Proposed landscaping including percentages of open space.
 - (14) Stormwater management systems.
 - (15) Cross-sectional details of all streets, roads, ditches, and parking lot improvements.
 - (16) Building construction and occupancy type(s) per the building code.
 - (17) Location of fire department connection(s) for standpipes.
 - (18) Turning radii, turnarounds, access grades, height of overhead obstructions.
 - (19) Dimensions and locations of all signs.
 - (20) A vicinity map drawn with north indicated.
 - (21) [Submit the total daily water flow usage and sewer design flow.](#)

(Code 1986, app. A, § 21.2; Ord. No. 00-463, 10-10-2000; Ord. No. 01-468, 1-9-2001; Ord. No. 02-501, 3-12-2002; Ord. No. 02-504, 5-14-2002; Ord. No. 06-652, 8-8-2006; Ord. No. 08-766, 11-10-2008; Ord. No. 09-776, 2-10-2009; Ord. No. 13-905, 1-8-2013; Ord. No. 21-1153, 6-8-2021)

Adopted this 12th day of April 2022.

Lynn Barbee, Mayor

Attest: _____

Kimberlee Ward, Town Clerk

