

CAROLINA BEACH

Planning and Zoning Meeting

Thursday, February 11, 2021 – 6:30 PM

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



AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. Approval of Meeting Minutes from December 10, 2020

STAFF REPORT ON RECENT COUNCIL MEETINGS

STAFF REPORT ON RECENT DEVELOPMENTS

PUBLIC DISCUSSION

DISCUSSION ITEMS

2. Consider a Zoning Map Amendment request to rezone a portion of 300 Goldsboro Ave from Highway Business (HB) to Residential (R-1) Applicant: Troy Slaughter.

NON-AGENDA ITEMS

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Miles Murphy, Senior Planner

DEPARTMENT: Planning

MEETING: Planning & Zoning – 11 FEB 2021

SUBJECT: Approval of Meeting Minutes from December 10, 2020

BACKGROUND:

Attached are the meeting minutes from the December P&Z meeting.

ACTION REQUESTED:

Review and recommend changes or approve as written.

RECOMMENDED MOTION:

Make a motion to approve or deny the minutes from the 12/10/20 Meeting.

CAROLINA BEACH

Planning and Zoning Meeting

Thursday, December 10, 2020 – 6:30 PM

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



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 7th 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.



AGENDA ITEM COVERSHEET

PREPARED BY: Miles Murphy, Senior Planner

DEPARTMENT: Planning

MEETING: Planning & Zoning – 11 FEB 2021

SUBJECT: Consider a Zoning Map Amendment request to rezone a portion of 300 Goldsboro Ave from Highway Business (HB) to Residential (R-1) Applicant: Troy Slaughter.

BACKGROUND:

Troy Slaughter has requested a portion of his property, currently zoned HB, to be rezoned to R-1 to allow for single-family residences. He is in the process of constructing multiple single-family homes along Goldsboro and plans to continue in the same manner on this property once single-family development is permitted.

This portion of 300 Goldsboro features 3 different zoning districts; Highway Business (Commercial), Mixed Use (Mixed Commercial/Residential), and Residential 1 (Residential). Downzonings, moving from a more dense/intense district to a less dense/intense one, may only be applied for by the owner of the property(s) in question.

This portion of the R-1 Zoning District falls under the Medium Density category of the current Land Use Plan. Medium Density is described as “Mostly medium-sized lots (min. 5,000 sq ft) with primarily single family detached residences. Smaller-scale, attached residences (two-family homes and townhomes) allowed occasionally if contextually compatible. Some small-scale commercial, restaurants, or offices are encouraged at select locations with good access. Low-to medium-traffic streets with pedestrian facilities.”

ACTION REQUESTED:

TRC recommends approval of the Zoning Map Amendment

RECOMMENDED MOTION:

- A Statement of Approval – The Commission, whereas in accordance with the provisions of the NCGS 160A-383, does hereby find and determine that the adoption of the Zoning Map Amendment for 300 Goldsboro in the Town of Carolina Beach is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans. (If applicable - List any modifications)

- A statement approving the proposed Zoning Map Amendment and declaring that this also amends the plan, to meet the vision of the community that were taken into account in the zoning amendment.
- A Statement of Denial – The Commission deny the adoption of the following Zoning Map Amendment based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long range planning documents.



PETITION FOR A ZONING MAP AMENDMENT

IMPORTANT: Supplementary information required as part of petition to be included:

Completed rezoning petition. For general use requests: The petition must be signed by the petitioner. Proof of compliance with GS 160A-383 regarding third party notification is required.

Adjacent Property Owners Map. A copy of the area as depicted on the Zoning Map which shows subject property (outlined in bold) and other surrounding properties within 100 feet of the subject property. Please label the names of the property owners directly affected by the zoning map amendment and those adjacent to or within 100 feet (excluding right-of-way) of the request.

This petition will be scheduled for the next possible meetings with the following boards: (1) Technical Review Committee, (2) Planning and Zoning Commission and (3) Town Council. The petitioner or representative should be present at all meetings to answer any questions. Contact the Department of Planning and Development for the schedule of meeting times and submittal deadlines. All meetings are held at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Petitioners will be informed of any changes in date, time, or location of meetings.

- Minor Rezoning (\$350) Rezoning of property less than 1 acre in size.
- Major Rezoning (\$625) Rezoning of property one acre or greater in size.

Petitioner

Petitioner's Full Name: Martin Troy Slaughter, Winner Enterprises of CB, LLC Phone #: (910)- 763 - 1109

Street Address: P.O. Box 321

City: Carolina Beach State: NC Zip: 28428

Email: tlaughter@slaughterlawyers.com

Requested Zoning Map Change

Address(s) of Requested Site: 300 Goldsboro Ave.

Property Identification Numbers (PIN) RO8818-001-015-000

Acreage/Sq. Ft: Unknown Existing Zone: HB Requested Zone: R-1

Signature of Petitioner: M. Troy Slaughter WINNER ENTERPRISES OF Date: 12-16-2020
CAROLINA BEACH, L.L.C.

PURPOSE OF ZONING DISTRICTS

The petitioner seeks to show that the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are: (1) to lessen congestion in the streets; (2) to provide adequate light and air; (3) to prevent the overcrowding of land; (4) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; (5) to regulate in accordance with a comprehensive plan; (6) to avoid spot zoning; and (7) to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the Town.

PETITION FOR A ZONING MAP AMENDMENT

PETITIONER'S STATEMENTS: This section is reserved for the petitioner to state factual information in support of the rezoning request. Any comments should be typed or written in block print on a separate piece of paper.

1. Please state the consistency of the proposed zoning map amendment with the Town's Land Use Plan and any other applicable *Town*-adopted plan(s).
2. Please describe the compatibility of the proposed rezoning with the *property* and surrounding area.
3. Please discuss the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.
4. Please explain the public need for additional land to be zoned to the classification requested.
5. Please discuss the impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.
6. Please include a description of the existing zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards).
7. Include any additional arguments on behalf of the map amendment requested.

REQUIRED OWNER INFORMATION

The following are all of the persons, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred feet (excluding right-of-way) of the property sought to be rezoned. Please include New Hanover County PINs with names, addresses and zip codes. Indicate if property is owned by a condominium property owners association. Please complete ownership information in the boxes below. If you need additional space, please copy this form.

Name	Street Address	City/State/Zip	NHC. PIN
Anthony Giardina	505 N. Third Street	Carolina Beach	R08818-009-011-000
Keshia Heathcock	503 N. Third Street	Carolina Beach	R08818-009-014-000
Jennifer Haskins	504 N. Third Street	Carolina Beach	R08818-008-001-000
Marvin Boyette	215 Goldsboro Ave.	Carolina Beach	R08818-008-014-000
Allen Masterson	607 N. Lake Park Blvd.	Carolina Beach	R08818-001-020-000
Michael Repeta	213 Goldsboro Ave.	Carolina Beach	R08818-008-013-000

Petition for a Zoning Map Amendment

Petitioner's Statements:

1. Consistency of the proposed zoning map amendment with the Town's Land Use Plan and any other applicable Town-adopted plans(s):

RESPONSE: The proposed change would:

- (A) Facilitate the addition of single family homes.
- (B) Result in a less dense use of the land.
- (C) Help preserve the family-orientation of Carolina Beach.
- (D) Maintain lower structure heights due to R-1 zoning.
- (E) Preserve mature trees.
- (F) Reduce nonconforming use, i.e., removal of mobile homes.
- (G) Increase the tax base.
- (H) Facilitate work-at-home residences.
- (I) All utilities will be buried.
- (J) This area of Goldsboro Ave. is in the "High Suitability" range on the Land Suitability Analysis in the Land Use Plan.

2. Compatibility of the proposed rezoning with the property and surrounding area:

RESPONSE: The proposed change would have a minimal, if any, impact on the property and surrounding area.

3. Benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community:

RESPONSE: The proposed change would create a less dense use of land in the immediate area and surrounding community and would enable the addition of 2-3 residential structures. The value of the adjoining land would increase.

4. Public need for additional land to be rezoned to the classification requested:

RESPONSE: The proposed change would enable 2-3 homes to be built on the subject property, creating a less dense use of the land and supplying the demand for single family homes in Carolina Beach.

5. Impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.:

RESPONSE: The proposed change would result in a decrease in density of the property, potentially resulting in a decreased impact on public services, facilities, etc.

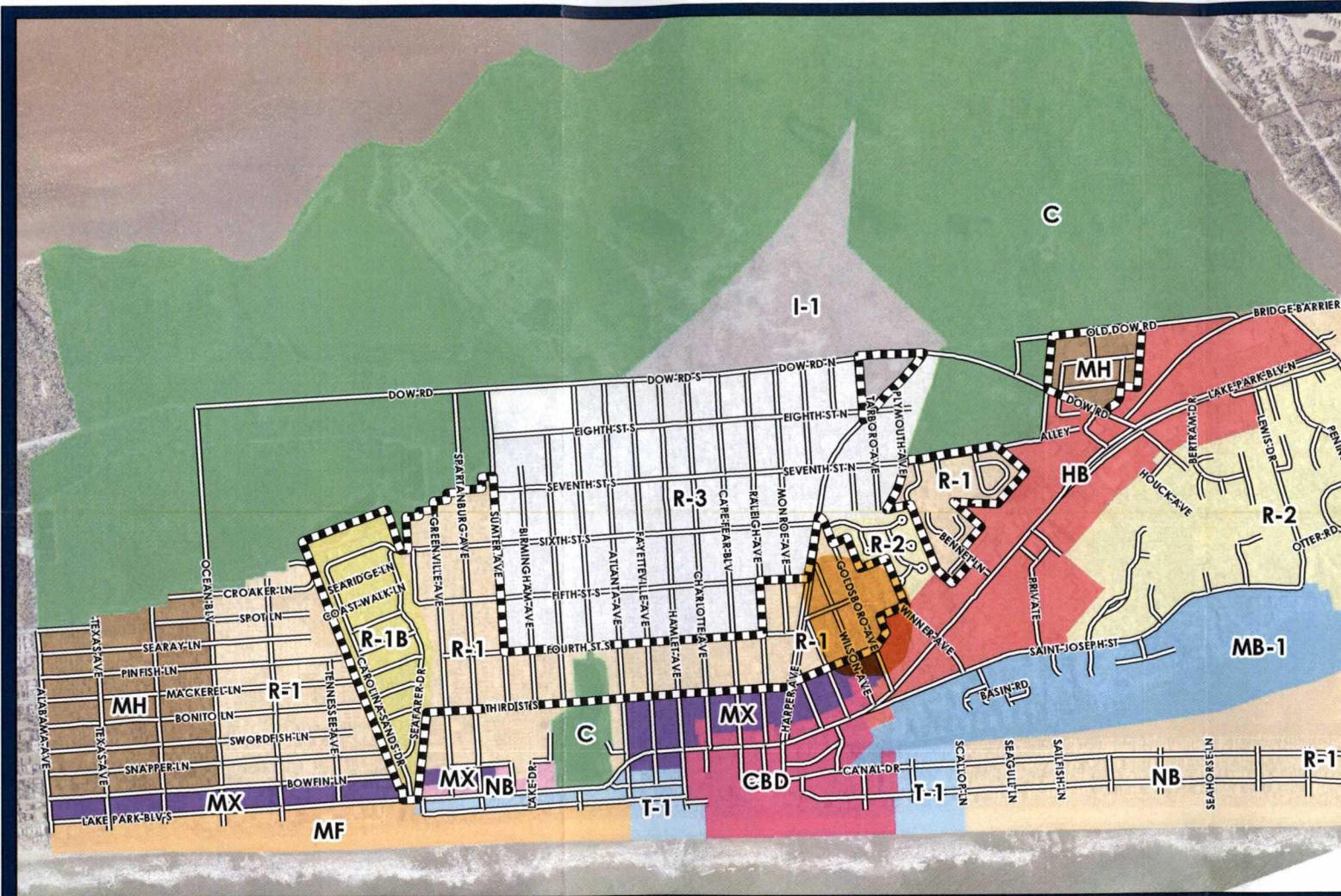
6. Description of existing zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards).:

RESPONSE: The existing zoning pattern has created a delineation between the HB zone and the R-1 zone on the property that does not follow a property line, a public street or any other discernible marking. It would be difficult, if not impossible, to determine which part of the property is in the HB zone and which part of the property is in the R-1 zone.

7. Additional arguments on behalf of the map amendment requested.

RESPONSE: The proposed change would clarify a long-standing discrepancy on the zoning map of Carolina Beach and it would also comply with many of the most important goals of the Land Use Plan, as described in the response to Question 1, above.

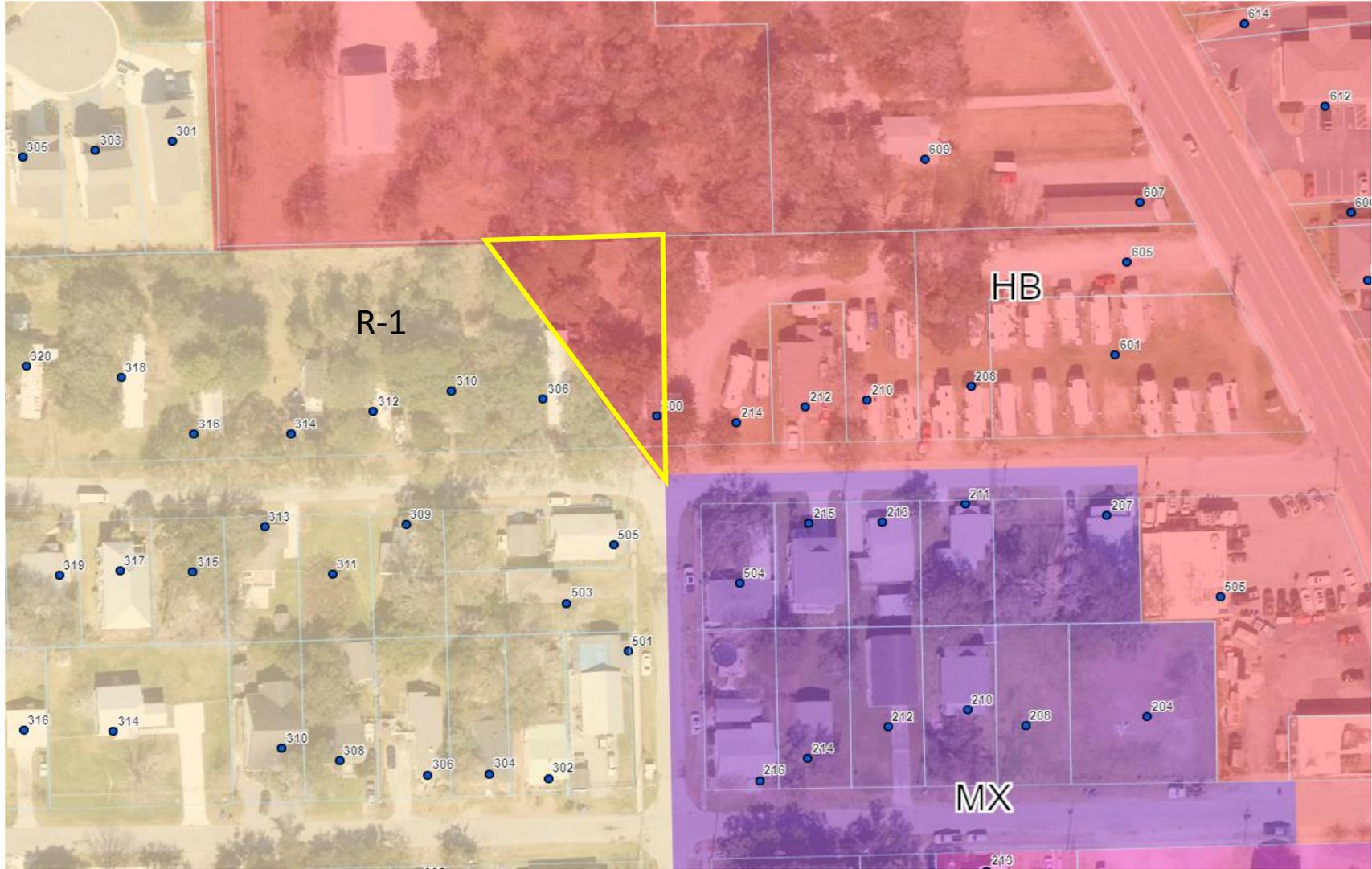




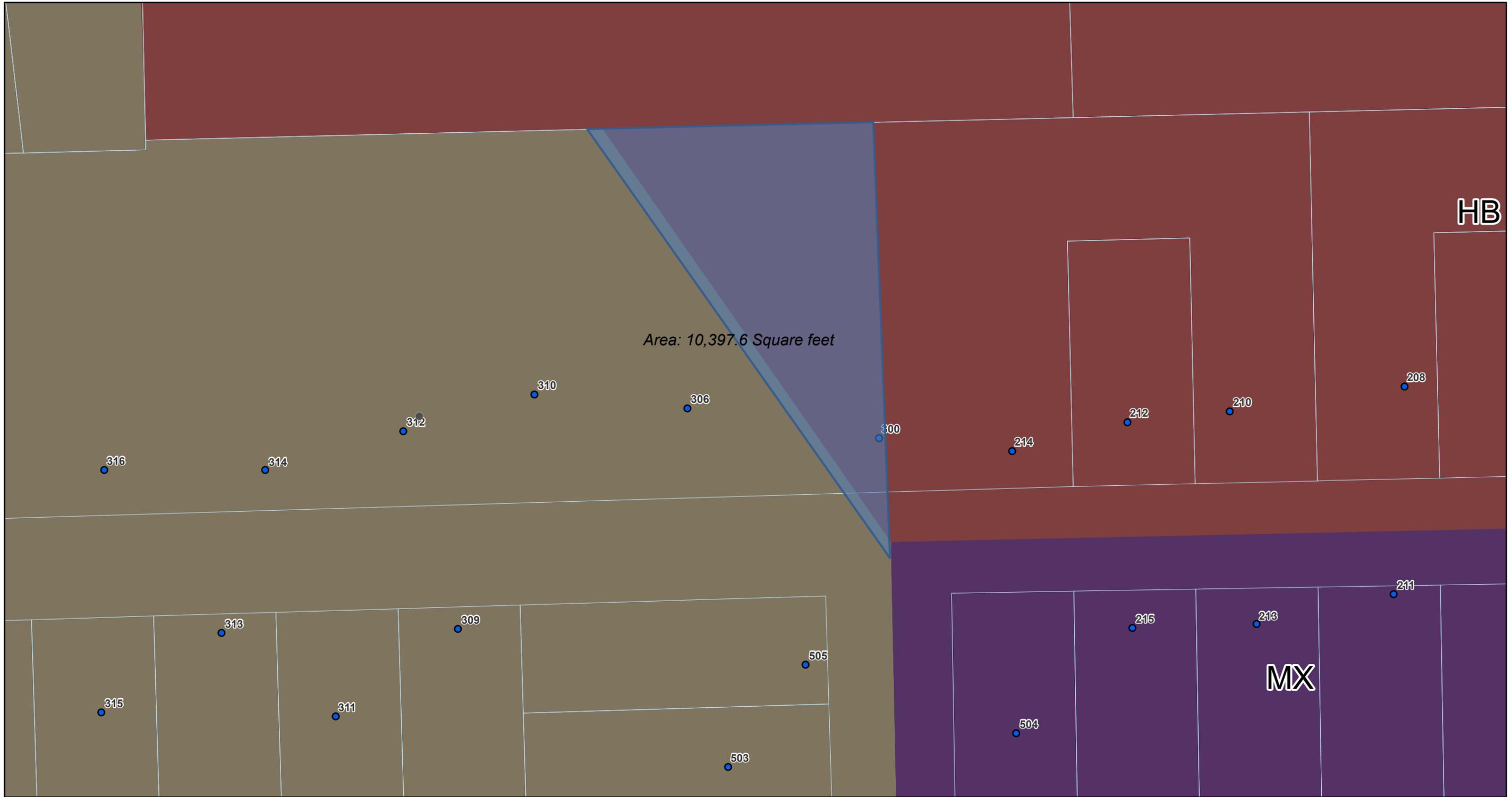
Disclaimer: This map is to be used for general informational purposes only. Spatial data used to generate this map was gathered from the best available sources and represent a condition at a fixed period in time. 100% accuracy of spatial data to current circumstances cannot be guaranteed. The Town of Carolina Beach assumes no responsibility for errors arising from misuse of the data provided.

Town of Carolina Beach Zoning Map 2020

Aerial Imagery: Courtesy of New Hanover County
Date Flown: 2019



300 Goldsboro: HB to R-1



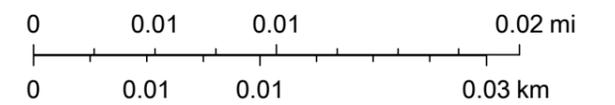
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Parcels Zoning R-1 Green: Band_2

Address HB 2020 Aerial Blue: Band_3

MX Red: Band_1

1:564



New Hanover County, State of North Carolina DOT, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA



Consider a Zoning Map Amendment to rezone a portion of 300 Goldsboro from HB to R-1.

Applicant: Troy Slaughter

2/11/2021
Miles Murphy – Senior Planner

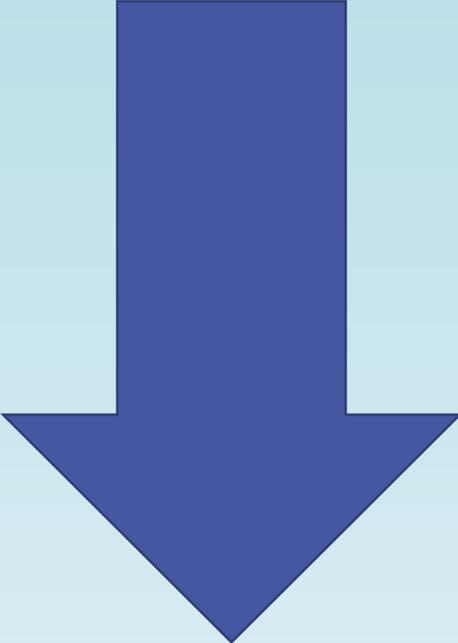
300 Goldsboro



Downzoning?

- Under new State Law, only the owner of a property may petition to downzone a property
- Downzoning is reducing the density/intensity of a property
- Neighbors or other 3rd parties are no longer allowed to petition for a downzoning

MANY DENSE/INTENSE USES



FEWER USES WITH REDUCED DENSITY/INTENSITY

Highway Business

Commercial Only
Greater Density

Mixed Use

Mixed
Commercial &
Residential
Less Dense
(depending upon
use)

Residential 1

Strictly
Residential

LUP – Medium Density

Mostly medium-sized lots (min. 5,000 sq ft) with primarily single family detached residences. Smaller-scale, attached residences (two-family homes and townhomes) allowed occasionally if contextually compatible. Some small-scale commercial, restaurants, or offices are encouraged at select locations with good access. Low- to medium-traffic streets with pedestrian facilities.

Action

New Statutory Requirements

The General Assembly amended G.S. 153A-341 and 160A-383 to add more specificity to the law regarding the mandated plan consistency statements. The amended statute still requires approval of a statement and the statement still must describe plan consistency and explain why the proposed action is **reasonable and in the public interest**. However, the form of the required statement has changed. The statement must take one of three forms:

- A Statement of Approval – The Commission, whereas in accordance with the provisions of the NCGS 160A-383, does hereby find and determine that the adoption of the Zoning Map Amendment for 300 Goldsboro in the Town of Carolina Beach is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans. (If applicable - List any modifications)
- A statement approving the proposed Zoning Map Amendment and declaring that this also amends the plan, to meet the vision of the community that were taken into account in the zoning amendment.
- A Statement of Denial – The Commission deny the adoption of the following Zoning Map Amendment based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long range planning documents.