



**CAROLINA BEACH**  
**PLANNING AND ZONING MEETING**  
**AGENDA • JULY 13, 2017**

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<b>Council Chambers</b>	<b>Regular Meeting</b>	<b>6:30 PM</b>
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**1121 N. LAKE PARK BLVD.  
CAROLINA BEACH, NC 28428**

- 1. CALL MEETING TO ORDER**
- 2. APPOINT CHAIRMAN & VICE CHAIRMAN**
  - 1. Appointments: The Commission will appoint a Chairman and Vice-Chairman for a one year term.  
*(Requested by Jeremy Hardison, Planning and Zoning)*
- 3. APPROVAL OF MINUTES**
  - a. Planning and Zoning - Regular Meeting - Jun 8, 2017 6:30 PM
- 4. STAFF REPORT ON RECENT COUNCIL MEETING(S)**
- 5. PUBLIC DISCUSSION**
  - a. Text Amendment: Consider amending Chapter 40 Article III to allow for Automobile Repair Garages by right in the Neighborhood Business Zoning District Applicant: Town of Carolina Beach  
*(Requested by Jeremy Hardison, Planning and Zoning)*
- 6. DISCUSSION ITEMS**
- 7. NON-AGENDA ITEMS**
- 8. ADJOURNMENT**
- 9. CALL TO ORDER**



## Planning and Zoning

1121 N Lake Park Blvd  
Carolina Beach, NC 28428

**SCHEDULED**

Meeting: 07/13/17 06:30 PM  
Department: Planning and Zoning  
Category: New Business  
Prepared By: Jeremy Hardison  
Department Head: Jeremy Hardison

**AGENDA ITEM (ID # 2331)**

DOC ID: 2331

# Appointments: The Commission will appoint a Chairman and Vice-Chairman for a one year term.

## **BACKGROUND:**

Any member of the commission can nominate a Chairman and Vice-Chairman to serve. Attached is a current roster of P&Z members.

### OFFICERS

- 1) Chairman The Chairman shall be elected by the voting members of the commission. The term of the Chairman shall be for one (1) year, such term ending on June 30<sup>th</sup> of each year;
- 2) Vice-Chairman The Vice-Chairman shall be elected by the voting members of the commission. He/she shall serve as acting Chairman in the absence of the Chairman, and at such times have the same powers and duties as the Chairman. The term of the Vice-Chairman shall run concurrent with that of the Chairman.

## **BUDGET IMPACT:**

## **COMMITTEE RECOMMENDATION/ACTION:**

## **STAFF RECOMMENDATION/ACTION REQUESTED:**

Appoint a Chairman and Vice-Chairman

## **ATTACHMENTS:**

- Planning and Zoning Commission (XLSX)

# Planning & Zoning Com

Name	Title	Address	Phone Numbers
Keith Bloemendaal	Vice Chairman	505 CBA N #3A	(910)305-4604
Deb LeCompte	Commissioner	307 Charlotte Ave.	(910)784-9274
Mike Hoffer	Commissioner	608 Seafarer Dr.	(910)612-1909
Jerry Kennedy	Commissioner	1001 Carolina Beach Ave. N PO Box 403	(910)458-8041
Wayne Rouse	Commissioner	508 Monroe Ave.	(919)616-0682
Mary Grady	Commissioner	608 Cape Fear Blvd.	(910)409-0913
Nan Toppin	Commissioner	104 S 6th St.	(919)608-4892

**Staff Representative:**  
 Abby Lorenzo      [abby.lorenzo@carolinabeach.org](mailto:abby.lorenzo@carolinabeach.org)      (910)458-458-2978

Planning and Zoning is made up of 7 members and meets the second Thursday of each month at 6:30 p.m. in the C  
 Please notify the Secretary when you are unable to attend a meeting.  
 Chair, Vice-Chair, and Secretary positions run from July 1 through June 30 each year.

Attachment: Planning and Zoning Commission (2331 : Appointments)

# Commission

Email	Appt	Re-Appt	Term Exp
<a href="mailto:keith@dutchbuiltnc.com">keith@dutchbuiltnc.com</a>	1/14/2014	6/13/2017	6/30/2020
<a href="mailto:debra.e.lecompte@gmail.com">debra.e.lecompte@gmail.com</a>	6/13/2017		6/30/2020
<a href="mailto:mike@mikehoffer.com">mike@mikehoffer.com</a>	6/13/2017		6/30/2020
<a href="mailto:jerrybk@bellsouth.net">jerrybk@bellsouth.net</a>	6/14/2016		6/30/2019
<a href="mailto:waynerouse1@hotmail.com">waynerouse1@hotmail.com</a>	6/13/2017		6/30/2020
<a href="mailto:marygrady13@yahoo.com">marygrady13@yahoo.com</a>	5/12/2015		6/30/2018
<a href="mailto:ntoppin@toppin.com">ntoppin@toppin.com</a>	6/14/2016		6/30/2019

ouncil Chambers.



**CAROLINA BEACH**  
**PLANNING AND ZONING MEETING**  
**MINUTES • JUNE 8, 2017**

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**Council Chambers**
**Regular Meeting**
**6:30 PM**


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**1121 N. LAKE PARK BLVD.**  
**CAROLINA BEACH, NC 28428**

**1. CALL MEETING TO ORDER**

Attendee Name	Title	Status	Arrived
Mary Grady		Present	
Greg Reynolds		Present	
Keith Bloemendaal		Present	
Ked Cottrell		Present	
Johnie Davis		Absent	
Jerry Kennedy		Present	
Nan Toppin		Absent	

**2. APPROVAL OF MINUTES**

- a. Planning and Zoning - Regular Meeting - Mar 9, 2017 6:30 PM -

Commissioner Cottrell made a motion to approve the minutes. Seconded by Chairman Reynolds. All in favor (5-0).

**3. STAFF REPORT ON RECENT COUNCIL MEETING(S)**

Mr. Parvin gave an update on recent Town Council Meetings. There have not been any planning items on the agenda. Mr. Parvin gave an update on Harris Teeter. The construction has been postponed until 2018.

**4. STAFF REPORT ON PLANNING & DEVELOPMENT ACTIVITIES**
**5. PUBLIC DISCUSSION**

- a. Conditional Use Permit for a Business Planned Unit Development Center for an office complex consisting of three 10,800 sq. ft. buildings located at 1322, 1324, & 1326 N. Lake Park Blvd Applicant: RGL Development -

*(Requested by Jeremy Hardison, Planning and Zoning)*

Secretary Lorenzo swore in all those wishing to speak.

Commissioner Grady asked if the dumpster could be moved away from the residential area. Mr. Hardison responded yes. Commissioner Grady asked if the sidewalk down Bertram Dr could be a multi-use path rather than just a sidewalk. Mr. Hardison responded that the Town's plan only talks about a sidewalk.

Commissioner Bloemendaal asked about interconnectivity and if there would still remain a stub out for future connectivity. Mr. Hardison responded yes.

Jon Rimer, RGL Development, Applicant, 1202 Ft. Fisher Blvd, Kure Beach. Explained the idea behind the development was to give local contractors and business owners a commercial space to operate from. Willing to move the dumpster site.

**Minutes Acceptance: Minutes of Jun 8, 2017 6:30 PM (APPROVAL OF MINUTES)**

Commissioner Cottrell asked what kind of units they'd be. Mr. Rimer responded that they would be offices with storage space.

Andrea Van Tright, 638 Windemere Dr, Wilmington. Attorney for the applicant.

Shane Register, 136 Clairidge Dr, Wilmington. Licensed Real Estate Broker and speaking on behalf of Port Side Property Owners. Feels the development could result in declining values of the properties in Port Side. Stressed that a project planned well would have a better impact on a neighboring community.

Michelle Connett, 1321 Cabo Ct. Feels changes could be made to the project to make it better. Requested a traffic study be done to examine the impacts of additional traffic being added to Bertram Drive. Requested several modifications be made to the plan including moving the dumpsters, installing underground filtration for stormwater, and a bus stop on Bertram. Also feels the scale of the development is not in harmony with the existing neighborhood.

Chairman Reynolds asked what kind of screening was behind the Pavilion located to the North. Ms. Connett responded that there were trees. Chairman Reynolds asked if there was lighting? Ms. Connett responded yes, for the coffee drive thru.

Commissioner Cottrell asked for clarification on what kind of bus stop currently exists on Bertram? Ms. Connett responded for school children.

Joel Carpenter, 1600 Bertram. Feels there is going to be a lot of extra traffic on Bertram Dr. Believes access to the new development should come off of North Lake Park Blvd.

Greg Galloway, 400 Jarrot Bay. Concerned with safety at existing bus stop. No painted lanes on Bertram, not a large street equipped to handle additional traffic. Doesn't think Bertram is the best street to access the proposed development. Asked how the original two interior parcels would have been accessed if they were developed individually.

Commissioner Grady asked if DOT had taken this into consideration. Mr. Hardison explained that it is DOT's policy that if a property abuts multiple right of ways, access should be provided from the minor street.

Commissioner Kennedy asked where children stand to wait for the bus. Mr. Galloway answered on the south side of Bertram. He feels there is a blind spot when cars make a right turn into Bertram. Mr. Galloway agrees that the sidewalk will be helpful, as well as moving the bus stop. Voiced concern that Bertram Drive is the only access to the neighborhood.

Garry Rust, 1401 Bertram. Has observed many vehicles turning around in neighborhood. The number of turnarounds will increase in the summer.

Paul Saunders, 1501 Bertram. Bertram Drive width is only 21'. Very dangerous for two way traffic.

George Connett. 1321 Cabo Ct. Believes the DOT should be involved and give an opinion based on actual observations.

Andrea Van Tright, Applicant's Attorney. Applicant respects all concerns of the neighbors. The applicant is however not responsible for Bertram Drive. He has agreed to install sidewalks. DOT is in control of where access can be granted. The Applicant originally intended to access the development from Lake Park, but were not given allowance to do so. The development is in line with the intent of the zoning district and land use plan. Low traffic generator. The Applicant is willing to relocate dumpsters. Want to be a benefit to the community, not a harm.

Chairman Reynolds asked if there were any documentation from DOT prohibiting access to lake park. No, only communications. Chairman Reynolds asked if infiltration had been looked into.

Jon Rimer, RGL Development. An infiltration study and soils test have been performed onsite. Original plan looked at putting it underground. However, the Applicant tried to create more buffer area between the development and neighbors. System has been designed but not submitted to the State for permitting. No plans for a storage yard.

George Connett. 1321 Cabo Ct. Mr. Connett's property abuts the proposed stormwater pond. Would rather have parking lot with underwater infiltration. Mr. Connett also requested again a DOT representative make a site visit.

Chairman Reynolds made a motion to close the Public Hearing. Commissioner Bloemendaal seconded. All in favor (5-0).

Commissioner Kennedy asked what the Zoning for Portside was. Mr. Hardison responded that it is R-2, single family only. Commissioner Kennedy asked if there a dedicated turn lane for Bertram, no. More cuts would cause more congestion and confusing.

Chairman Reynolds reviewed issues brought up by abutting neighborhood. Recommends traffic engineering study, lane markings, relocating trash facilities. Infiltration should be looked into. 8' fence okay.

Commissioner Bloemendaal told the commissioners that the stormwater system is controlled by State. The system must meet those requirements and upkeep the system. Commissioner Bloemendaal is not opposed to an 8' fence. Expressed the need for lane markings.

Commissioner Cottrell agreed that he would like to hear more input from NCDOT.

Several Commissioners voiced their support for road improvements on Bertram including lines and widening.

Mr. Parvin clarified that the Town does not have requirements for a traffic study. Mr. Parvin also shared with the Commissioners that the Town did have correspondence with NCDOT who were not in support of a separate driveway cut for the development off of North Lake Park Blvd.

Chairman Reynolds made a recommendation for the approval for a Conditional Use Permit for an office complex to be located at 1322, 1324, and 1326 N. Lake Park Blvd, finding that the development meets the 7 specific standards and 4 general conditions with the following conditions; a traffic study prepared by an engineer to address the traffic concerns, the requirement of an 8' fence, and painted road lines added on Bertram Drive.

Commissioner Bloemendaal requested the condition for a traffic study be removed from the motion. All other commissioners were in favor with the exception of Chairman Reynolds (4-1).

Chairman Reynolds amended the motion to relocate the trash facilities. Meets the four general conditions.

Chairman Reynolds made a recommendation for approval of the Conditional Use Permit for an office complex with three 10,800 sf buildings Planned Unit Development center to be located at 1322, 1324, & 1326 N. Lake Park Blvd. The Commission finds that the proposed use meets the specific standards and general conditions, and that the project as proposed would be in general conformity with the 2007 Land Use Plan. The Commission recommends the trash facility location be moved to a location not abutting the residential neighborhood, and require an 8' fence as conditions of approval. The motion was seconded by Commissioner Bloemendaal. Motion passes (4-1).

- b. Conditional Use Permit: For a CUP Modification to Carolina Beach Marina & Boat Yard located at 917, 919, 923, and 924 Basin Road and 914, 916, 918, 924 Saint Joseph Street Applicant: David Pierce -

*(Requested by Jeremy Hardison, Planning and Zoning)*

Chairman Reynolds requested to be recused from the item. Chairman Reynolds made a motion to recuse himself and it was seconded by Commissioner Cottrell. All were in favor (5-0).

Secretary Lorenzo swore in all those wishing to speak.

Vice-Chair Bloemendaal asked for clarification on what the Board was being asked to recommend changes to. Mr. Hardison explained that the conditions of the previously approved CUP had changed and increased since the original approval.

Commissioner Kennedy asked if the project was proposed on a single lot or multiple. Mr. Hardison responded that it is currently over multiple lots, but a condition of approval would be to combine all lots. Commissioner Kennedy asked what kind of fence requirements there are? Mr. Hardison answered that the Applicant proposing a 6' fence but it is up to the Board to decide if something more substantial should be recommended.

Commissioner Grady asked if all the conditions of the original CUP were met. Mr. Hardison responded that at one time they were met. There have since been modifications and expansions which require a modification. Commissioner Grady asked if entrance landscaping had been added. Mr. Hardison answered that landscaping had not been required under the original permit. The Applicant has the option to ask for waivers from the landscaping requirement. In this case the Applicant is asking for this waiver.

Commissioner Kennedy stated it would be in the best interest of the neighboring properties to require as much buffering as possible.

Vice-Chair Bloemendaal made a motion to open the Public Hearing. It was seconded by Commissioner Cottrell.

David Pierce, 917 Basin Rd. Applicant for the proposed modifications. Everything that is being asked for is permitted by right with the exception of buffer yard



requirements. Mr. Pierce feels that if there is a 6' fence, landscaping buffers should not be required.

Vice-Chair Bloemendaal asked if a 6' fence was being proposed along St. Joseph as part of the CUP. Mr. Hardison also asked for this clarification. Vice-Chair Bloemendaal stated that an 8' fence was proposed on the site plan. Mr. Pierce responded that he is okay with a 6' or an 8' fence.

Commissioner Kennedy asked for clarification of what Mr. Pierce was requesting to waive. Mr. Pierce specified that he is asking for a waiver from the landscaping buffer requirements since he is putting up a 6' fence.

Commissioner Cottrell asked what vision Mr. Pierce had for the completion of his project. Mr. Pierce responded he foresees an enclosed dry stack storage facility.

Tom Scourzo, 900 Yacht Rd. Residents in Federal Point knew it was a commercially zoned district. Mr. Scourzo understands that the applicant cannot afford not to do the project in pieces. Not in opposition of what is being proposed.

Vice-Chair Bloemendaal asked Mr. Scourzo if his property had a landscaping buffer. It does not.

Vice-Chair Bloemendaal made a motion to close. Commissioner Cottrell seconded.

Vice-Chair Cottrell has no issues with removing the buffer requirement or allowing for a 6' fence.

Vice-Chair Bloemendaal asked Mr. Hardison if there were stormwater requirements. Mr. Hardison responded that the Town is looking into it and will be a requirement of the building permits.

Commissioner Grady asked if public restrooms were required. They are not required but provided.

Commissioner Kennedy asked if wheel stops would be required for the public parking. Mr. Hardison answered that they would be delineated and on a surface approved by the town.

Commissioner Cottrell made a motion to recommend the approval the Conditional Use Permit Modification located at 917, 919, 923, and 924 Basin Road and 914, 916, 918, 924 Saint Joseph Street. The proposed expansion includes an office and warehouse building, three story dry stack storage facility, existing sfr with storage and warehouse space, increase boat slips from 8 to 14. The commissioners find that the proposed modification meets the seven specific standards and four general conditions and is consistent with the land use plan and policies. The commission recommends the waiver of the landscape buffer, the waiver of providing sidewalks, curb, and gutter requirements, and recommend a 6' fence around the perimeter of the property.

Commissioner Kennedy recommended that public parking on Basin have wheel stops. All in favor of adding as a condition.

Commissioner Kennedy seconded the motion. All in favor (4-0).

## 6. DISCUSSION ITEMS

- a. A discussion to review the dimensional criteria for accessory structures, Chapter 40 Sec. 40-75 -

*(Requested by Abby Lorenzo, Planning and Zoning)*

Commissioner Cottrell asked where the allowance for three plumbing fixtures came from. Ms. Lorenzo replied that it was part of a text amendment in 2015 to bring another accessory structure into compliance.

Commissioner Grady asked if there could be stoves in an accessory structure. Mr. Hardison responded that there is nothing in the code prohibiting it. You cannot have a dwelling unit.

Commissioner Bloemendaal discussed with the other Commissioners the possibility of dropping the 25% of the principle structure footprint requirement and using remaining lot coverage to determine the allowable size of an accessory structure. Commissioner Kennedy disagreed, expressing concerns the building wouldnt be accessory if too big.

Commissioner Grady asked why a breezeway would not qualify as a connection between an accessory structure and primary structure. Because the definition of a building requires the connection to be enclosed with exterior walls.

Commissioner Bloemendaal made a motion directing Staff to present to the Planning and Zoning Commission text amendment options for the current Accessory Structure regulations to include: removing the 25% of the principle structure footprint and allowing for lot coverage to govern; removing the height requirement and allowing the height restriction to be consistent with the restriction of the zoning district; amending the number of allowable plumbing fixtures; considering the allowance of "Attached Single Family Dwellings" outside of the MX, MF districts; and allowing for more than one accessory structure for institutional uses. The motion was seconded by Commissioner Cottrell. All were in favor (5-0).

**7. NON-AGENDA ITEMS**

Commissioner Kennedy requested the Town evaluate the traffic concerns at Bertram Dr.

Commissioner Cottrell thanked Staff and the other Commissioners for their service and for allowing him to serve on the Planning and Zoning Commission.

Chairman Reynolds reiterated Commissioner Cottrell's sentiments.

**8. ADJOURNMENT**

Commissioner Cottrell made a motion to adjourn. It was seconded by Chairman Reynolds. All in favor (5-0).

\_\_\_\_\_  
Kimberlee Ward, Town Clerk

\_\_\_\_\_  
Date Approved

Minutes Acceptance: Minutes of Jun 8, 2017 6:30 PM (APPROVAL OF MINUTES)



## Planning and Zoning

1121 N Lake Park Blvd  
Carolina Beach, NC 28428

**SCHEDULED**

Meeting: 07/13/17 06:30 PM  
Department: Planning and Zoning  
Category: Public Hearing  
Prepared By: Jeremy Hardison  
Department Head: Jeremy Hardison

**AGENDA ITEM (ID # 2327)**

DOC ID: 2327

# Text Amendment: Consider amending Chapter 40 Article III to allow for Automobile Repair Garages by right in the Neighborhood Business Zoning District Applicant: Town of Carolina Beach

## **BACKGROUND:**

### **SUMMARY OF THE REQUEST**

The Mayor requested staff to bring a zoning change for Town Council to consider that would allow for Automobile Repair Garages as an allowable use in the Neighborhood Business (NB) Zoning District. Currently Automobile Repair Garages are not allowed in the NB zoning district. When existing uses are not allowed in a certain area anymore they are considered non-conforming. There is one existing Automobile Repair Garage (Superior) in the NB zoning district that is non-conforming that was built in 1988. A use that is classified as non-conforming is limited in the amount of renovations or additions that can occur.

The NB area is located between Carolina Sands and the Carolina Beach Lake on the west side of S. Lake Park Blvd. There is also another small area designated as NB on the corner of Sandpiper Ln. and Carolina Beach Ave. N where there is a convenience store and residence (attachment 1). The area where Superior Auto is located from Carolina Sands to the Lake along S. Lake Park Blvd previously allowed for Automobile Repair Garages when the area was zoned Highway Business (HB). In 2006 the area was changed to NB when the Planning & Zoning Commission evaluated the area and heard concerns from the residential property owners that were classified as non-conforming use because residences were not allowed in the HB zoning district. Prior to 2006 when it was zoned HB there were 15 non-conforming uses that consisted of 14 single-family and one duplex. There were 8 conforming uses that included three eating establishments, office, convenience store, auto repair, laundry and retail. The current NB zoning district does not allow for Duplex's and Automobile Repair Garages. As a result of the 2006 zoning change they became non-conforming uses while all the other uses are conforming (see table below).

Uses	Zoned Highway Business (HB) Conforming use	Zoned Neighborhood Business (NB) Conforming use
Three Eating Establishments	Y	Y

Retail	Y	Y
Real Estate Office	Y	Y
Convenience Store	Y	Y
Laundry Facility	Y	Y
14 Single-Family	N	Y
1 Two-family	N	N
Auto Repair Garages	Y	N
Total Non-conforming uses	15	2

The reasoning for the zoning change request is to make Automobile Repair Garages conforming in the NB district as they were prior to 2006. This would allow for existing uses to improve and expand, but it would also allow any new Auto Mobile Garages to locate in the NB zoning district. The NB district was established 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.

Automobile Repair Garage is a use where vehicles are kept or stored for painting, body and fender work, engine overhauling or other repair of motor vehicles are performed. To reduce impacts on adjacent properties Automobile Repair Garages must meet the standards below.

- (1) All work shall be conducted entirely within an enclosed structure so as to protect surrounding properties and uses from objectionable characteristics of repair activity.
- (2) No outside storage of junk vehicles or parts shall be permitted.
- (3) In applicable districts, wrecked or inoperable automobiles actually in process of repair may be stored outside, provided that such vehicles shall be concealed from view by a fence, wall or vegetative buffer at least six feet high and offering 100 percent opacity.

**BUDGET IMPACT:**

**COMMITTEE RECOMMENDATION/ACTION:**

**STAFF RECOMMENDATION/ACTION REQUESTED:**

**STAFF RECOMMENDATIONS**

The desired Land Use of this area according to the 2007 Landuse Plan includes a future predominance of single-family and duplex units for in the NB area. It does recognize commercial uses to include lower intensity restaurants and commercial services and retail. A ratio of roughly two-thirds residential to one-third commercial is desired.

Staff recommends approval of the amendment, it is consistent with the goals and

objectives, in general consistent with policies encouraging and promoting local businesses geared toward providing neighborhood services to the community.

- (1) Open the public hearing
- (2) Close the public hearing
- (3) Consider approval or denial of the proposal and make a motion according to the appropriate statement.

Approval - whereas in accordance with the provisions of the NCGS 160A-383, the Town Council does hereby find and determine that the adoption of the following ordinance amendment is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans.

Denial - based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long range planning documents.

- (4) Adopt proposed Ordinance.

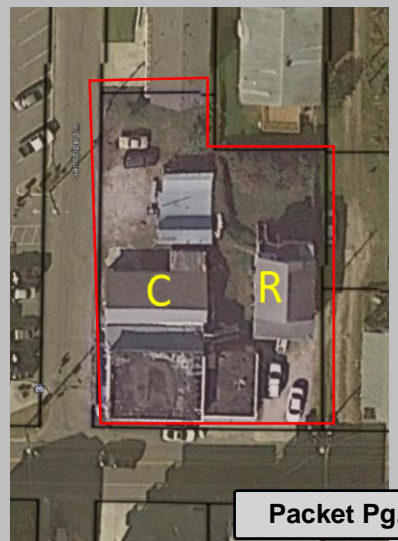
**ATTACHMENTS:**

- Zoning map of NB with uses (PDF)
- Proposd Ordinance (DOCX)



- EE – Eating Establishment
- R – Residential
- O – Office
- C – Convenience Store
- AR – Automobile Repair
- L – Laundry facility
- RET – Retail

NB



Attachment: Zoning map of NB with uses (2327 : Text Amendment Automobile Repair in

# AUTOMOBILE REPAIR GARAGES



## ORDINANCE NO.

### Amend Chapter 40 Article III, Sec 40-172 Table of Permitted Uses

USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Automobile repair garages, including engine overhauls, body and paint shops and similar operations in enclosed buildings (See sections 40-261, 40-548)										P	P			P

Adopted this 8<sup>th</sup> day of August 2017.

\_\_\_\_\_  
Dan Wilcox, Mayor

Attest: \_\_\_\_\_  
Kimberlee Ward, Town Clerk

Attachment: Proposed Ordinance (2327 : Text Amendment Automobile Repair in NB)