

CAROLINA BEACH

Planning and Zoning Meeting

Wednesday, November 10, 2021 - 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 Ethan Crouch

Commissioner Todd Piper

ALSO PRESENT

Planning Director Jeremy Hardison

Planner Gloria Abbotts

APPROVAL OF MINUTES

1. October 14th, 2021 – P&Z Minutes

ACTION: Motion to approve the minutes

Motion made by Commissioner Hogan, Seconded by Vice Chairman Rouse

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

Motion passed 6-0

STAFF REPORT ON RECENT DEVELOPMENTS

Ms. Abbotts reported the following statistics for the past month:

Permitting

- 50 permits (renovation, repair, grading, additions, fence)
- 26 residential new construction
- 21 certificates of occupancy

Code Enforcement

- 14 complaints received
- 14 resolved

Town Council and Other Updates

- Landscaping ordinance – November Council – approved unanimously
- The Proximity – November Council – approved 4-1
- Parking – upcoming November Council workshop
- Planning and Zoning Appointments – November Council – appointed Commissioner Bill Carew

Demos in Progress

- 407 Sumter Avenue
- 207 Florence Avenue
- 1018 Carolina Beach Avenue North
- 123 Harper Avenue

Commissioners expressed surprise upon hearing about 123 Harper Avenue. Commissioner Piper asked if there is anything the Town can do to offer incentives to keep older buildings. Mr. Hardison said he would keep the Commission updated on plans for the property.

New Businesses

- Bike Shop – 1401 North Lake Park Boulevard #44

Coming Up

- Conditional Zoning – 905 Yacht Basin Road – 8-Unit Planned Unit Development (PUD)
- Conditional Zoning – 406, 408, and 410 Canal Drive – 9-Unit PUD
- Annexation – 601 Augusta Avenue

PUBLIC DISCUSSION

None

DISCUSSION ITEMS

- 2. Conditional Zoning** to consider a drinking and eating establishment classified as a bar to serve on-premises alcohol located at 612 N. Lake Park Blvd.
Applicant: JSL CB Properties LLC

Commissioner Hogan recused himself from this matter because he is part-owner of applicant JSL CB Properties LLC.

Mr. Hardison presented the details.

Proposal

The Vault, 612 North Lake Park Boulevard (former First Citizens Bank building) – will serve coffee, beer, and wine

Ordinance

When on-premise alcohol is being served and you are not classified as a standard restaurant, then the

ordinance defines you as a bar. A bar is allowed through the approval of a Conditional Zoning (CZ) District in the Highway Business (HB) District.

CZ

CZ allows a particular use to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediately surrounding area and the entire community that cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property, even though the use itself could. The review process provides for the accommodation of such uses by a reclassification of property into a CZ District, subject to specific conditions that ensure compatibility of the use with the use and enjoyment of neighboring properties.

No new bars/taverns shall be permitted within:

- 200 feet of an established church on school
- 200 feet of any residential district

The Vault

- HB District
 - Businesses in HB serve entire community and beyond
 - Located on major thoroughfares
 - Can be conveniently reached by automobile and avoid sending heavy automobile traffic through smaller streets or residential areas

Mr. Hardison reviewed the site and floor plans for the project.

CZ Process

- Public meeting Wednesday, September 29
- 6 people attended
- Concerns – potential for loud music
 - 75 decibels (daytime level) 7:00 AM-11:00 PM
 - On Friday and Saturday, the daytime levels shall remain in effect until midnight
 - 65 decibels 11:00 PM-7:00 AM

Mr. Hardison said the noise ordinance is enforced by the Police Department.

Criteria

- When evaluating, the Commission shall consider the following:
 - Application's consistency to the general policies and objectives of the Town's Coastal Area Management Act (CAMA) Land Use Plan, any other officially adopted plan that is applicable, and the zoning ordinance
 - Potential impacts and/or benefits on the surrounding area and adjoining properties
 - Report of results from the public input meeting

- The Commission may include additional standards such as landscaping, design guidelines, buffers, infrastructure improvements (i.e., water), and pedestrian, street, and right-of-way improvements

Land Use Plan

The project is in general conformity with the 2020 Land Use Plan; it supports to sustain a healthy and vibrant locally oriented economy.

Commissioner Boswell asked if The Vault will serve liquor. Mr. Hardison said the Town does not define this by ordinance, so the approval could be permitted for liquor, although the project would have to have the proper Alcoholic Beverage Control (ABC) permits.

Attorney Ned Barnes of 814 Carolina Beach Avenue North, representing the applicant, shared project details. He said the maximum occupancy would be about 40 people, and plans call for the business to close at 9:00 PM during the off-season and 10:00 PM during the summer. Mr. Barnes said there will be no loud music and that some prepared food will be served but none made on the premises. He said public response was positive.

Commissioner Crouch asked if the applicant is planning to remove the oak tree. Mr. Barnes said no and that plans are to maintain it.

Commissioner Crouch asked if the applicant would consider putting a sidewalk along that side of Lake Park Boulevard. Commissioner Hogan said properties on either side have no sidewalk access at all, so it would be a sidewalk to nowhere at this point. He said if others decide to put in sidewalks then he would be willing to participate but that there is not much room for them on that side and on the Saint Joseph Street side sidewalks could affect the tree. Chairman LeCompte said Council recently discussed getting serious about putting sidewalks on the east side of Lake Park Boulevard. Commissioner Hogan said they would welcome that if the Town wanted to do something.

Commissioner Boswell said she supports the project because Commissioner Hogan is a successful business owner with no trouble at his establishments. She said she thinks he'll do well for the Town.

Vice Chairman Rouse said he thinks this concept is a complement to what the Town recently approved for The Proximity. He said he thinks the pedestrian pathway is going to have to be a Town issue because this property has a ditch on the east side and needs a good plan to work around this and the oak tree. Vice Chairman Rouse said he has talked to residents who are excited about the project and hasn't heard anything negative, so he'll be voting to approve it.

Commissioner Piper asked if the applicant will be adding any landscaping. Commissioner Hogan said the bank did a good job on the landscaping, so while he may do a small bit of beautification with flowers, his main focus will be maintaining what is already there. Commissioner Piper said he thinks this will be a great addition to the community, so he's all for it.

Chairman LeCompte asked if there will be any outdoor seating. Commissioner Hogan said they are trying to figure out a plan for this eventually and intend to hire a firm to help. Chairman LeCompte said she thinks it's going to be a great addition.

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 Conditional Use District to allow for a bar at 612 North Lake Park Boulevard is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans and the potential impacts on the surrounding area are mitigated by the approved conditions

Motion made by Vice Chairman Rouse, Seconded by Commissioner Boswell

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

Voting Abstaining: Commissioner Hogan

Motion passed 5-0

NON-AGENDA ITEMS

Commissioner Boswell asked about the process for selling beer and wine if a person already owns an existing business with a license to sell beer and wine. Mr. Hardison said the permit is for a specific location to serve alcohol and does not carry elsewhere with an applicant. Commissioner Boswell asked if this is a Town or State issue. Mr. Hardison said both. He said the local ordinance defines if an establishment is a bar, and the Town has to sign off on the application before the State processes the ABC permit. Mr. Hardison said currently if a business is a restaurant with a kitchen, then it does not have to go through the Town process. He said this has been stricter in the past, such as in the 1990s when the Town was in cleanup mode. Commissioner Boswell said she doesn't want to discourage businesses that sell beer, wine, and coffee. Mr. Hardison said the Town can look at updating ordinances, and he hopes to get feedback from Council during the January retreat. Commissioner Boswell said currently it seems like a long process for a business owner, so she thinks the Town should revisit the definition of a bar.

Vice Chairman Rouse welcomed new Commissioner Carew, who could not yet be sworn in due to time constraints. He also asked everyone to keep former Commissioner John Ittu, who recently had a loss in his family, in their thoughts and prayers.

Chairman LeCompte said she recently found out that when restaurants outside of the Central Business District (CBD) put up plastic over their outdoor decks during the winter, this is considered indoor dining and triggers regulations about parking spaces. She said the Town needs to look into this because putting up shielding from the weather does not equal indoor seating. Mr. Hardison said there are different parking requirements for indoor versus outdoor seating and that under current rules it becomes indoor seating when it's covered. Chairman LeCompte pointed out that this rule applies to HB but not CBD and that occupancy is not changing. Commissioner Hogan said it's tough for local restaurants to stay open 12 months per year, so he's not sure he's in favor of this. Commissioner Boswell said it's just plastic and not framed walls or a permanent cover. Mr. Hardison with the way the

current code reads, the Town has not really regulated this. Chairman LeCompte said this type of restriction makes it hard for restaurant owners, and anything the Town can do to facilitate business owners to thrive is a step in the right direction.

Chairman LeCompte also welcomed new Commissioner Carew.

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 Crouch, Commissioner Piper

Motion passed 6-0

The meeting adjourned at 7:12 PM.