

**Boardwalk Amusement Rides
Conditional Use Permit Revision Application
r.1 Re-Submission for 12-10-20 P & Z**

2020 CUP Original Submission -November 1, 2020
(Extension Application January 15, 2010)

(Original Grant Order April 14, 2009 - Note: Original Applicant – Mergerle’s Magic & Hildebrand Rides

Applicant: **Carolina Beach Land Holdings LLC**
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Land Owner: **Carolina Beach Land Holdings LLC**
Attn: Matthew Murphy
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Architect: **Reynolds/Architecture**
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Project: **Carolina Beach Boardwalk Rides**

Previous Conditional Use Permit
~~102 Cape Fear (includes 108 Cape Fear) Condo/Business Development~~
~~PIN 3130-55-2160 13,024 sf~~

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|-------------------------------|-----------|
| 100 Canal Drive | |
| PIN 3130-55-4065 | 4,389 sf |
| 8 Cape Fear Blvd. | |
| PIN 3130-55-5014 | 5,897 sf |
| 5 Carolina Beach Avenue South | |
| PIN 3130-54-5877 | 2,762 sf |
| 7 Carolina Beach Avenue South | |
| PIN 3130-54-5870 | 1,368 sf |
| 9 Carolina Beach Avenue South | |
| PIN 5150-54-5778 | 1,231 sf |
| 9 Cape Fear Boulevard | |
| PIN 5150-54-4836 | 18,757 sf |

Proposed Expansion of Conditional Use Permit

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|--|---------------------|
| 1 Carolina Beach Avenue South | |
| PIN 5150-54-5992 | 1,789 sf |
| 3 Carolina Beach Avenue South | |
| PIN 5150-54-5980 | 1,616 sf |

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|------------------------------------|------------------------|
| 3 Boardwalk | |
| PIN 5150-54-6839 | 5,725 sf |
| 101 Cape Fear Blvd. | |
| PIN 5150-54-2980 | 14,725 sf |
| Previous Conditional Use Permit | 47,428 sf |
| <u>Abandoned 102/108 Cape Fear</u> | <u>(13,024 sf)</u> |
| | 34,404 sf |
| Proposed Expansion | 23,855 sf |
| <u>Removed 3 CB Ave. South</u> | <u>(1,616 sf)</u> |
| Total Revised CUP | 56,643 sf (1.30 acres) |

Please note the following conditions:

1. 102 and 108 Cape Fear Blvd. was part of the original Conditional Use Permit, but has been developed as a Condo/Business Development and will not be counted in the area tabulations.
2. ~~3 Carolina Beach Avenue South (Old Shell Building) is owned by the Town of Carolina Beach. Applicant will secure "Authority For Appointment of Person to Act On My Behalf".~~
3. 101 Cape Fear Boulevard (Old Sterling Mall Building) is owned by Roger E. & Brenda S. Johnson. Applicant will secure "Authority For Appointment of Person to Act On My Behalf".

With the 2009-2019 success of the first decade+ of amusements, arcades, rides and games at the historic boardwalk of Carolina Beach, the Applicant and Land Owner, is requesting an extension and an expansion of the original conditional use permit originally issued on April 14, 2009, modified in July of 2009 and January 15, 2010. The Conditional Use Permit has brought a family-oriented carnival consisting of a series of large mechanical rides, Kid's rides, fun houses and food stands to the historic Carolina Beach Boardwalk since May of 2009. The applicant is requesting an extension of five years 2021 through 2026. The facilities will remain in place for a period of not to exceed six months per year (The Season) and would reserve the right to return in succeeding years with a similar operation.

The applicant will employ the services of a fully licensed Amusement Operator and inspected by the North Carolina Department of Labor, specifically the Elevator & Amusement Devise Bureau under the Amusement Devise Safety Act and its pertinent administrative rules. The intent of the Act is that amusement devices shall be designed, constructed, assembled (or disassembled), maintained and operated so as to prevent injuries. Inspectors shall inspect each amusement devise at each location to determine if the devise has been soundly constructed and properly erected; modified to comply with any changes in safety requirements prescribed by the manufacturer; and has a log of previous inspections over the past twelve months. In addition, before the ride is open to the public each day, the foreman of each ride goes through every part with a safety checklist to make sure everything is in place.

The Applicant/Tenant will provide liability insurance specifically for its operation of no less than one million dollars per occurrence against liability for injury to persons or property arising out of the operation of such devise acceptable to the North Carolina Department of Insurance.

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Attached is a Site Survey (12-2-20) indicating graphically the affected properties as well as adjacent properties. The Applicant requests an annual meeting with Planning Staff to review the number, layout and types of rides, concessions and reserves the right to re-arrange/substitute entities based on unforeseen circumstances throughout the Season *with administrative approval from the Planning Director* (such as availability, topography, etc.). The Applicant requests that all required parking be waived in this instance due to the following criteria:

1. The surrounding Hotel/Motel accommodations already provide adequate parking which will encourage traffic flow of pedestrian, bicycles and taxis.
2. Local residents typically walk or are dropped off at the Boardwalk during the Season.
3. Majority of the Carnival riders buy all-day passes which will overwhelmingly reduce parking needs in the CBD and encourage patronage of all businesses.
4. The majority of the users of these facilities will also visit the surrounding businesses, as well as the beach strand and will have typically already used a designated parking space. Providing additional spaces would be redundant.
5. As in most successful Ocean Resort towns, parking is located at the perimeters (i.e. rental location, residence, Town-owned lots) and pedestrian/alternative modes of transportation are encouraged. The degree of difficulty to parking is inversely proportionate to the amount of time and money the tourist will spend in the CBD.

Hours of Operation will remain unchanged and will be 10:00 AM until 11:00 PM Sunday through Thursday. The Facility will remain open an additional hour until midnight on Friday and Saturday. If additional hours of operation are anticipated for special occasions, the Town Manager will be approached for a Special Use Permit.

Each ride, ticket booth and food stand requires a minimum of one employee to operate, thus it is anticipated a minimum of eighteen employees will be on site at any given time. Based on crowd capacity, up to thirty employees may be utilized. A manager will be on duty at all times and be in contact with the Ticket Booth to handle all situations. The Applicant anticipates local employment opportunities during the season to operate non-technical positions within this operation. Criminal background checks shall be performed on all full-time amusement ride operators per the original CUP.

The Applicant will provide up to four temporary port-o-let toilet units (three standard and one accessible) which will allow a capacity of 230 (2 male at 75 and 2 female at 40).

The Applicant has previously invested in excess of \$10,000.00 for temporary power for use with this proposal. If for some reason power is not adequate, generators can be provided, however it is the desire of the Applicant to use permanent on-site power distribution, unless noted otherwise.

Applicant is again requesting that off-street loading requirements be waived based on its location in the CBD. The following conditions are anticipated:

- Loading area is anticipated to be on Raleigh Avenue, similar to the entire Boardwalk area.
- Loading will typically take place prior to 10:00 AM
- The largest truck anticipated will be the food delivery trucks typically seen serving the Boardwalk area.

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- The loading period for the vendors should be less than 15 minutes. Most of the vendors anticipated already serve the Boardwalk area.

Refuse collection and recycling will be provided throughout all sites and be collected on a daily basis. In addition, a dumpster will again be provided on the west side of Parcel Two

No temporary living facilities shall be located on site.

Applicant agrees to strictly abide by the Town Of Carolina Beach Noise Control Ordinance (Sections 10-4 through 10-10). The Applicant will be available for a weekly meeting to discuss adjoining property Owners concerns as deemed necessary by the Town Manager. It has always been the intent of the Applicant to be a good neighbor in this endeavor.

Additional Notes from 11-16-20 TRC Meeting

1. Future communications will be key to success:
 - a. Annual Site Visit prior to placement of rides with complete understanding of locations of all rides, concessions, ticket booths and work trailers.
 - b. Request for utilities must be in coordination with TOCB Operations based on existing location of utilities.
 - c. Layout will not infringe on any established TOCB Right-Of-Ways
2. Layout will not impede access for CBFD to tall rides with emergency lane accesses to be open at all times.
3. TOCB Planning and Zoning to meet on 12-10-20 to review this Conditional Use Permit. Owner is required to have an Attorney to represent their interests.